Also (by request), petition of N. C. Newerf, relative to bill for Government merchant and naval marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. BAILEY (by request): Petition of sundry citizens of New York City, favoring enactment of a measure prohibiting the export of food and clothing during the European war; to the Committee on Foreign Affairs.

By Mr. BELL of California: Petition of the General Contractors' Association of San Francisco, Cal., protesting against the passage of House bill 14288, relative to mechanical equipment of Government buildings being segregated; to the Committee on Public Buildings and Grounds.

Also, petition of the Pasadena (Cal.) Board of Labor, relative to the establishment of food stations in all the important cities of the United States; to the Committee on Agriculture.

Also, petition of the Building Trades Employers' Association, the Sheet Metal Contractors' Association, the Master Housesmiths' Association, the Master Roofers and Manufacturers' Association, all of San Francisco, Cal., protesting against the passage of the Clayton bill; to the Committee on the Judiciary.

Also, petitions of Montezuma Tribe, No. 77, Improved Order of Red Men, of San Francisco, and San Francisco Parlor, No. 49, Native Sons of the Golden West, and Ralph W. Black, of Monrovia, all in the State of California, favoring the passage of House bill 5139, relative to retirement of aged employees of the Government; to the Committee on Reform in the Civil Service.

By Mr. BRUCKNER: Petition of William Hickey, of New York City, favoring passage of American merchant-marine bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Champion Iron Co., of Merton, Ohio, protesting against the passage of Senate bill 5147, to investigate the claims of the Clinton-Marshall Construction Co.; to the Committee on Claims.

By Mr. DAVENPORT: Petition of the Keetonah Society of Cherokee Indians, asking for an accounting between the Indians and the United States; to the Committee on Indian Affairs.

By Mr. GARDNER: Petition of Patrick F. Creed and 50 other citizens, of Haverhill, Mass., protesting against the rise in the price of foodstuffs; to the Committee on Agriculture.

By Mr. GRAHAM of Pennsylvania: Memorial of the Federal Council of the Churches of Christ in America, expressing to President Wilson its profound gratitude of his action in offering the services of the United States in mediation between the European powers; to the Committee on Foreign Affairs.

By Mr. GRIEST: Memorial of the Ephrata (Pa.) Branch of the Socialist Party, protesting against European war, etc.; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Petition of Alva E. Belmont, of Newport, R. I., favoring the submitting of amendment for woman suffrage at this session of Congress; to the Committee on Rules.

By Mr. LONERGAN: Petition of the city council of the city of Bristol, Conn., for thorough investigation regarding the high prices of foodstuffs since the commencement of the European war; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Petition of William Pestel, of Providence, R. I., protesting against the passage of House bill 17353, relating to use of the mails in effecting insurance on persons and property, etc.; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of the General Contractors' Association of San Francisco, Cal., protesting against the passage of House bill 14288, relative to segregating mechanical equipment of United States Government buildings; to the Committee on Public Buildings and Grounds.

Also, memorial of San Francisco Parlor, No. 49, Native Sons of the Golden West, and Montezuma Tribe, No. 77, Improved Order of Red Men, favoring the passage of House bill 5139, relative to retirement of aged employees of the Government; to the Committee on Reform in the Civil Service.

Also, petition of the Western Association of Retail Cigar Dealers, protesting against any further taxation on cigars, tobacco, or cigarettes; to the Committee on Ways and Means.

By Mr. WATSON: Petitions of sundry citizens of Dinwiddie, Sussex, Amelia, Greensville, Lunenberg, and Prince Edward Counties, all in the State of Virginia, relative to rural credits; to the Committee on Banking and Currency.

By Mr. WEAVER: Petitions of sundry citizens of Gracemont, Yeager, Lookeba, Walter, Colbert, Lamar, Coalton, Allen, and Dewar, and of the counties of Ottawa, Oklahoma, and Lincoln, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *August 27, 1914.*

(*Legislative day of Tuesday, August 25, 1914.*)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

PROPOSED ANTITRUST LEGISLATION.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business, which is House bill 15657.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. SMOOT. Mr. President, there are about half a dozen Senators in the Chamber, and I think we ought to have a quorum. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Myers	Sterling
Bankhead	Fletcher	Norris	Thornton
Brady	Gallinger	Overman	Vardaman
Bryan	Jones	Perkins	Walsh
Burton	Kenyon	Pittman	West
Camden	Kern	Poindexter	White
Clapp	McLean	Sheppard	
Culberson	Martin, Va.	Smith, Ga.	
Cummins	Martine, N. J.	Smoot	

Mr. THORNTON. I was requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] and to state that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Thirty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. RANSDELL, Mr. SIMMONS, and Mr. THOMPSON answered to their names when called.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. CHILTON, Mr. SHIELDS, and Mr. REED entered the Chamber and answered to their names.

Mr. DILLINGHAM. I desire to announce the continued absence of my colleague [Mr. PAGE], he being detained in Vermont on account of illness in his family.

Mr. GORE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is no quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given and request the attendance of absent Senators.

Mr. SMITH of Michigan, Mr. HUGHES, Mr. FALL, Mr. SHAFROTH, Mr. HOLLIS, Mr. THOMAS, Mr. MCCUMBER, Mr. LANE, Mr. POMERENE, Mr. LEE of Maryland, and Mr. HITCHCOCK entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The Secretary will state the pending amendment.

Mr. CULBERSON. On page 10 of the bill, an amendment, proposed by the committee, to strike out the penalty clause, was passed over at the suggestion of the Senator from Tennessee [Mr. SHIELDS].

The VICE PRESIDENT. It will be stated.

The SECRETARY. In section 8, on page 10, the committee amendment proposing to strike out lines 22, 23, 24, and 25 was passed over. The lines read as follows:

> A violation of any of the provisions of this section shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Mr. REED. Mr. President, I have just returned to the Chamber, and I heard only the latter part of the proposition now before the Senate read, but as I understand that proposition it is to strike out the language on lines 22 to 25, on page 10, which reads:

> A violation of any of the provisions of this section shall be deemed a misdemeanor and shall be punishable by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Mr. WHITE. Mr. President——

Mr. REED. I wish to inquire if that is the proposition before the Senate.

The VICE PRESIDENT. It is the pending question. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED. I do.

Mr. WHITE. I ask the Senator to yield to me long enough to offer an amendment that I shall propose when section 4 of the bill is reached in the Senate.

Mr. REED. I yield for that purpose.

Mr. WHITE. I am afraid I did not make myself clearly understood yesterday in my suggestions with reference to section 4. I should like to submit an amendment as a substitute for section 4, and have it printed, that Senators may consider it before the bill is finally disposed of. I also ask that the amendment may be printed in the RECORD.

The VICE PRESIDENT. The amendment will be printed and lie on the table for the present, and will also be printed in the RECORD, at the request of the Senator from Alabama.

The amendment is as follows:

Amendment intended to be proposed by Mr. WHITE to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, viz: On page 4, line 13, strike out all of section 4 and insert in lieu thereof the following:

"SEC. 4. That it shall not be lawful to embody a condition in any contract relating to the sale or lease of or license to use any article or process protected by a patent or patents the effect of which will be to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person whomsoever, or the effect of which will be to require the purchaser, lessee, or licensee to acquire from any person whomsoever any article or class of articles not protected by the patent, and all contracts embracing any such conditions shall be null and void; and any person other than the purchaser, lessee, or licensee violating the provisions of this section shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined not exceeding $5,000 or by imprisonment not exceeding one year, or by both, in the discretion of the court."

Mr. REED. I understand the proposition now is to strike out the language I have referred to. Mr. President, I am opposed to striking out that penalty clause. I am opposed to it for all the reasons advanced in the argument regarding section 4.

To my mind a corporation ought not to be permitted to own the capital stock of another corporation, with the single exception that a corporation might be permitted to become the owner of capital stock in the same way that corporations are permitted to become the owners of real estate, where they are obliged to take it for debt; but in such an instance the corporation ought not to be permitted to vote the stock in the other corporation. We are not dealing with that specific question now, because the immediate amendment relates simply to the question of penalty.

I shall occupy the attention of the Senate only a few moments. I want to know that this proposition is thoroughly understood, and to make it understood is about all that I intend to attempt to do.

Section 8 provides in effect that no corporation engaged in commerce shall directly or indirectly acquire the capital stock of "another corporation engaged also in commerce where the effect of such acquisition is to eliminate or substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to create a monopoly of any line of commerce."

The committee agrees to that doctrine; and you will observe that it is limited in its operation simply to the acquisition of stock where the effect of it is to eliminate or substantially lessen competition or to create monopoly. I do not know why we should not as to that kind of act prescribe the same kind of penalty as we do for the commission of those acts prohibited by the Sherman law. The Sherman law makes every combination in restraint of trade, every attempt to restrain trade, punishable by fine and imprisonment. The right is also reserved to the civil court to prevent the wrong. My attention has also been called to the fact that the second paragraph of section 8 covers holding companies. The provision is:

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise, is to eliminate or substantially lessen competition between such corporations, or any of them—

And so forth.

If it is right to retain in the Sherman law a provision that any attempt to restrain commerce shall be punished by fine and imprisonment, why should not that same penalty be attached to these particular acts, the necessary and inevitable effect of which, if carried to any considerable extent, is to lessen competition? Why should we make a different classification here? Why should we, as to these particular practices, deal with them any differently than we do with the other practices or devices, all of which are employed by those seeking to restrain commerce? I do not intend to take the time of the Senate to repeat all that was said yesterday in regard to section 4, but every word of it with reference to section 4 is equally applicable here.

There is no chance for a mistake. The corporation that goes out and acquires the capital of another corporation, and begins to use it for the purpose of controlling that other corporation and lessening the competition between itself and that other corporation knows exactly what it is doing, just as much as men know what they are doing when they engage in any conspiracy in restraint of trade. The gentleman who goes out and organizes a holding company, and gathers into that holding company a large number of competitive corporations, knows that by and through the organization of that holding company he is building a monopoly in this land; he knows that he is doing it for the very purpose of restraining trade; and that that is about the only reason why he ever adopts such a device.

This proposed law does not apply to the holding company for one corporation; that is permissible; it applies only when there is brought together in a holding company two or more corporations, the object being, through the holding company, to control two or more corporations and thus build up a monopoly.

I do not know to what extent Senators have studied the question of holding companies; but I say to the Senate that it is one of the favorite methods now employed by those who build monopoly. Instead of combining them together in one corporation, or instead of pooling the stock of a number of corporations and putting it in the hands of voting trustees—instead of resorting to the old, crude device of the builder of monopoly—they have now adopted the method of the holding company. I could by sending to my office and getting my memoranda and documents, I think, make this so plain that no one would doubt it, and I will do so if it is necessary; but I will say that the common practice that is now being employed is this: Here are two or three competing concerns in one community, two or three competing concerns in another community, and a half dozen other competing concerns in other communities, all of them to a greater or lesser extent in competition with each other. Accordingly, some enterprising gentleman proceeds to organize what is known as a holding company. It is a separate corporation, and its assets consist of the stock of these various independent and competing companies. It gathers a majority of that stock in these competing companies into its treasury, and against that capital thus acquired it proceeds to issue its own stock and its own bonds.

It follows, therefore, that the officers of the holding company become the dominant force in each one of the companies, the majority of the stock of which has been covered into the treasury of the holding company; and at once the competition has been ended between those companies, because the common stockholder of the majority of the stock of each of the formerly competing companies is not going to permit competition to go on which will lessen profits.

Why should that not be punished? Why should we deal gently with this device? Why should we not meet it by a penalty that will arrest it? We have started in here saying that we were going to select those well-known devices employed by monopolists the natural effect of which is to restrain trade, and that we propose to stop those practices. As I said yesterday, the President has told us in his message of last January that certain of these practices are now well known, and none is better known than the one to which I refer.

I know of an instance in the State of Iowa, so well and so ably represented by my friend upon the other side, where one of these holding companies, having acquired large interests in various cities in the State, has through its agents threatened with annihilation institutions that have refused to sell to it. I understand it to be a fact that something like 200 concerns in the State of Michigan have been united under one management in this way; but I do not care to take the time more than to state the facts in this brief way.

I insist, Mr. President, that as to this section the penalty clause should be retained. It was put here by the House of Representatives and ought to stay here, and I shall at the proper time ask for the yeas and nays on the amendment striking it out.

Mr. CUMMINS. Mr. President, I can not concur with the Senator from Missouri with respect to this section, for several reasons, which I will state with the utmost brevity. Wherever a stockholding interest amounts to a restraint of trade or is an attempt to monopolize or is a monopolization of any trade or commerce the offense is already punishable under the antitrust act, with which the section now under consideration does not interfere in any way.

The Senator from Missouri was not quite accurate in saying that the antitrust law condemned and made criminal an attempt to restrain trade. I do not recall the statute in that way. I

think it makes unlawful any restraint of trade or commerce, and it makes unlawful any attempt to monopolize or any monopolization, but does not include the attempt to restrain trade, unless it is also an attempt to create a monopoly. Therefore, wherever intercorporate stockholding results in a restraint of trade or results in monopoly it is already punishable in the criminal courts.

I have always very much doubted whether we needed any additional legislation with regard to what are ordinarily known as holding companies; that is, where one company holds the stock or controls the stock of two or more corporations which are engaged in a competitive business. The decision of the Supreme Court of the United States in the Northern Securities case, which presented directly the simplest form of a holding company, seems to have put that question in a position where it can be little helped by any additional legislation.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I yield.

Mr. POINDEXTER. I should like to ask the Senator if the Supreme Court in that case held that any holding by a corporation of the stock of two other competing corporations was illegal under the Sherman Antitrust Act?

Mr. CUMMINS. It did not so declare in express terms.

Mr. POINDEXTER. So, it seems to me, when we remember the rule laid down by the Supreme Court in the Standard Oil and the Tobacco Trust cases, in which they expressly held that every restraint of trade was not a violation of the Sherman Antitrust Act, but that some of them were reasonable and some were unreasonable, and that the restraint condemned was an unreasonable restraint of trade, that the rule laid down in this proposed statute is quite a different one from the rule of the Sherman antitrust law as construed by the Supreme Court. This proposed statute would make any holding, whether it was reasonable or unreasonable, of the stock of competing corporations by a holding company unlawful. It may not be unlawful under the Sherman Antitrust Act.

Mr. CUMMINS. No; the Senator from Washington is entirely mistaken with regard to the section that we are now considering, although that is what the section ought to do. I am not opposing additional legislation with regard to holding companies. The Northern Securities case presented this situation: A company organized under the laws of New Jersey, called the Northern Securities Co., became the owner of a controlling interest in the stock of the Northern Pacific Railroad Co. and the Great Northern Railroad Co., and the Supreme Court held that, inasmuch as these two railroads were and are competing companies, it was a restraint of trade for one company, even though it did not enter into the operation at all of the property, to own a controlling interest in both. I only suggest that for the purpose of indicating that wherever a holding company does actually restrain trade or does establish a monopoly or attempts to establish a monopoly we have a penal statute which applies to it.

That, however, is not my chief reason for believing that it is not wise to attach a criminal penalty to this section. I intend to offer a substitute for this section, and I necessarily argue the case from the standpoint of the substitute I shall offer. I do not believe in the section as it is, and I would have a good deal of trouble in voting for it, although I suppose I might as a last resort. I believe that instead of strengthening the law it rather weakens the law.

The amendment which I shall propose includes the existing situation as well as the future situation; that is to say, it makes it unlawful for one corporation to own the stock of another, the two being competing corporations, no matter when the stock was acquired.

We shall do very little to help the business of this country unless we can readjust the holdings which now exist; for, as I said yesterday, the business of this country is so completely crystallized, the lines have been so thoroughly established, that unless we can introduce competition where it is now substantially suppressed we shall not afford the people of the country the relief for which they are asking, and to which they are entitled. If the Senate adopts the amendment which I shall offer and which will apply to existing holdings as well as to future acquisitions, then, of course, it is clear that we ought not to make those holdings criminal offenses if they were lawful at the time they were acquired. Indeed, we probably could not if we would, and it would not be fair and just to do it if we could.

I believe that with the section as it is now proposed it would be unjust to attach a criminal penalty. See how it reads:

That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce where the effect of such acquisition is to eliminate or substantially lessen competition * * * or to create a monopoly of any line of commerce.

Of course, that is already absolutely taken care of, and it would be absurd, if I may be permitted to use that word, to retain that phrase, "or to create a monopoly of any line of commerce." If we are to put that in, of course there ought to be a penalty, because we already have penalized that offense, and we must not disturbe the antitrust law. I am anticipating, however, the argument which I shall briefly make when I shall come to offer my amendment. It ought to be obvious to anybody that if we redeclare the very offense that is declared in the antitrust law, and do not attach a penalty to it, we shall have repealed the antitrust law to that extent; and I think no one desires to do that.

But the further difficulty about the section as it is, as I view it, arises from the paragraph on page 9. If we are to give that latitude to this practice, I am not willing to say that a man who makes this mistake in applying it to his own affairs shall become a criminal.

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition.

That is reasonably clear.

Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business—

I challenge anybody to give such an illustration or definition of the clause I have just read as will make it clear so that it furnishes any real guide to men in conducting their business—

or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to eliminate or substantially lessen competition.

When we attach a penalty to an act, it ought to be much more clearly understood than it would be understood under the language of this section.

Mr. WALSH. Mr. President——

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH. It occurred to me that the framer of the bill doubtless had in mind the very common case of the establishment of branch stores. The parent corporation would like to establish a branch store in some distant city. Suppose they are engaged in the dry-goods trade, for instance. Claflin & Co. are an instance of what we have in mind.

Mr. CUMMINS. Yes.

Mr. WALSH. They have a store in Chicago, as I understand. They have a store in St. Louis. Those two stores, I take it, do not substantially compete.

Mr. CUMMINS. I can not quite appreciate that view, although it undoubtedly was the view of the authors of the section. We forbid, in the first place, intercorporate stockholding where the effect would be to substantially lessen competition as between two corporations. We proceed to make an exception to that rule in this proviso that eliminates subsidiary corporations. Therefore it is evident that the framers of the section thought there were some subsidiary corporations which would fall within the operation of the first part of the section unless expressly withdrawn. I do not understand that phase of it.

Mr. WALSH. No; let me show the Senator that is not quite accurate, because that likewise is qualified in the same way:

Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to eliminate or substantially lessen competition.

If it is, the subsidiary corporations are equally condemned.

Mr. CUMMINS. If the effect is not to eliminate or substantially lessen competition, it does not come within the original condemnation.

Mr. WALSH. I agree with the Senator.

Mr. CUMMINS. Then why should there be the exception? I have been utterly at a loss, in endeavoring to discover the application of the paragraph to which we have just referred, to know to what case it would apply. I assume it must be intended to apply to a case or a class of cases; but it is unnecessary for me to extend my remarks upon that subject. If the amendment I shall propose is adopted—and I hope it will be—then I do not think there ought to be, and probably there could not be, a penal provision attached to it, and I intend to work in my votes toward the accomplishment of that purpose.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield. Does the Senator desire to ask me a question?

Mr. REED. I wish to make a suggestion. The first thing to do is to perfect this section and, in perfecting it, to deal with this section. When it is perfected, then if the Senator desires to offer a substitute we have the choice between his substitute and the amendment in its completed form. I do not think the Senator means to say that he proposes to vote against the penalty clause in this section because the section that he proposes to put in as a substitute—which may not be accepted—will be so drawn that a penalty should not be attached to it.

Mr. CUMMINS. Mr. President, that is one of the reasons I would not vote for a penalty attached to this section, because it is utterly impossible for anybody to determine what this section means or to what cases it would apply; and I think the Senator from Missouri agrees with me that before you penalize a person you ought to make it reasonably certain to him what he can do and what he can not do. The corporation that is here called upon to act must undertake to say, first, whether the acquisition of the stock of another corporation will substantially lessen competition between them. It must first undertake to say whether they are competitive in character, then whether the acquisition of stock will substantially lessen the rivalry between them. Then it must undertake to decide whether the one is a subsidiary corporation, whether it is really a branch or carrying forward of business in which the parent corporation, if I may use that term, is engaged. When you have surrounded a declaration of invalidity with all those indefinite exceptions and contingencies, I do not think it is fair to attach a criminal penalty.

Mr. REED. Mr. President, the Senator says this is a meaningless section. That is the amount of it. That is pretty nearly what his language means. Does the Senator think we ought to enact any law that is a miserable jumble of indefiniteness, if I may use that sort of an expression? If that is true, the objection of the Senator ought to be to the whole section.

Mr. CUMMINS. It is to the whole section, because I intend to offer a substitute for it.

Mr. REED. I do not think the Senator ought to take the position that he will vote against a penal clause in this section upon the theory that he is going to offer a substitute of an entirely different nature. The question we are now considering is whether or not a penal clause should be attached to this section, and I do not think that ought to be determined by the fact that somebody proposes to offer a substitute for the section.

I think it is a little unfortunate that we are proceeding with this particular amendment to this section before we go through the section, but it appears to me that every argument that has been made here as to why a penal clause should not be attached is simply an argument in favor of its attachment.

Mr. VARDAMAN. Mr. President——

Mr. REED. If this section is, as the Senator from Iowa intimates, so drawn that it covers those practices already covered by the Sherman law, then clearly the penalty ought to be attached; and the Senator agrees to that. There is one part of this section that is not clearly covered by the Sherman law, and that is the holding company; and a man dealing with a holding-company proposition just as much knows that he proposes to restrain trade as any man does who adopts any other device.

Mr. CUMMINS. Mr. President, I think the Senator from Missouri has misunderstood me a little. I do not think all the things contained in the first paragraph of the section are embraced in the Sherman law. What I said was that the last clause—namely, "or to create a monopoly of any line of commerce"—is clearly a repetition of the offense created in the Sherman law.

Mr. VARDAMAN. Mr. President, I rose to suggest to the Senator from Iowa that the question before the Senate is the amendment of this section which is proposed to be stricken out. I wish to vote intelligently upon this matter, and I want the law to mean something when it is enacted. It seems to me the Senator from Iowa should introduce his amendment or substitute with a view of perfecting this section before it goes out. It may be that it will not go out when it is perfected by the Senator's proposition; and now is the time to do it, rather than waiting until after this matter is acted upon. If his amendment is proposed and acted upon, it may be that certain amendments may be made to it which would be accepted by the Senate; and I submit to the Senator that now is the time to propose his amendment to this section.

Mr. CUMMINS. That would seem to be logical; but we are proceeding under a rule which requires the consideration of committee amendments first. I have more than once made inquiry with regard to it, and I do not feel that under the parliamentary situation I can offer my substitute now. If I can——

Mr. VARDAMAN. What is the committee amendment—striking it out?

Mr. CULBERSON. The committee amendment is to strike out the penalty provision.

Mr. CUMMINS. The committee amendment is to strike out the lines which contain a penalty.

Mr. CULBERSON. The other committee amendments to this section have been already adopted.

Mr. VARDAMAN. I was under the impression it was a motion to strike out the section.

Mr. CUMMINS. I can test the situation by offering it.

Mr. VARDAMAN. I think it would be well for the Senator from Iowa to offer his amendment.

The VICE PRESIDENT. There is not any doubt about the parliamentary situation. The committee amendments must be first considered. There is no question about it.

Mr. GALLINGER. But may not a substitute for the text which is proposed to be stricken out by the committee be offered?

The VICE PRESIDENT. Undoubtedly.

Mr. GALLINGER. That is what the Senator from Iowa proposes.

The VICE PRESIDENT. It is not a substitute for the text proposed to be stricken out. It is a substitute for the entire section, the Chair understands.

Mr. CUMMINS. What I propose to offer is a substitute for the entire section.

Mr. GALLINGER. That is a different proposition.

The VICE PRESIDENT. If it were a substitute for the part proposed to be striken out by the committee, it would be in order.

Mr. CUMMINS. If I were at liberty to do so, of course I would offer it now.

The VICE PRESIDENT. The Chair is clearly of the opinion that the committee amendment must first be voted upon, apd then a substitute for the entire section may be considered.

Mr. POINDEXTER. Mr. President, in this connection I do not know, of course, what the proposed amendment of the Senator from Iowa is, but I propose to offer an amendment to the section—or, rather, two amendments. I should like to state at this time, before offering the amendment——

Mr. GALLINGER. I will ask the Senator from Washington if he would not permit the proposed substitute of the Senator from Iowa to be read. It is a very involved question now, and for myself I should like to know what the proposed substitute is.

Mr. CUMMINS. I read it a day or two ago; but, of course, some Senators now present were not here. I send to the desk the substitute, which I shall offer at the proper time.

Mr. GALLINGER. Let it be read for information.

The VICE PRESIDENT. It will be read.

The SECRETARY. In lieu of section 8, as amended and as proposed to be amended, insert:

It shall be unlawful for any corporation to acquire, own, hold, or control, either directly or indirectly, the whole or any part of the capital stock or other share capital, or any other means of control or participation in the control, of two or more corporations engaged in commerce and carrying on business of the same kind or competitive in character: *Provided*, That the foregoing shall not be construed to prevent corporations not engaged in commerce acquiring, owning, and holding capital stock or other share capital solely for investment and not using the same in bringing about, or attempting to bring about, a common control of the corporations whose stock or other share capital it owns and holds.

It shall be unlawful for any corporation engaged in commerce to acquire, own, hold, or control, either directly or indirectly, the whole or any part of the capital stock, or other share capital, or any other means of control or participation in the control of any other corporation also engaged in commerce and carrying on a business of the same kind or competitive in character: *Provided*, That this section shall not apply to banks, banking institutions, or common carriers: *Provided further*, That no order or finding of the court or commission in the enforcement of this section shall have any force or effect nor be admissible as evidence in any suit, civil or criminal, brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Mr. CLAPP. Mr. President, I wish to ask the Senator from Iowa a question. Of course, on hearing the proposed substitute read one may not get it exactly correct, but as I heard it it makes two provisions—one prohibiting a corporation from owning stock, broadly stated, of course, in two or more corporations, and the other is a prohibition against a corporation holding stock in any other corporation.

Mr. CUMMINS. There is one discrimination which possibly the Senator from Minnesota did not catch. The first paragraph covers the holding company. The holding company may not be engaged in commerce, and there is no limitation in the first

paragraph that the corporation must be engaged in commerce; that is, any corporation which holds the stock of two or more corporations which are engaged in commerce. That is the first paragraph. The second paragraph covers the case where the corporation engaged in commerce holds the stock of another corporation also engaged in commerce.

Mr. CLAPP. I caught the latter part, but in the reading the first did not appear plain. The explanation of the Senator from Iowa makes it very plain.

Mr. CULBERSON. I understood the Chair to rule that the committee amendment must first be acted upon.

The VICE PRESIDENT. The Chair did so hold.

Mr. REED. Mr. President, when the interruption came I had about completed what I was going to say.

The Senator from Iowa agrees that wherever a holding company exists and its tendency or natural effect is to restrain trade it should be treated as a crime and punished, as I understand him.

Mr. CUMMINS. That is the antitrust law. I do not desire to withdraw any of its efficiency.

Mr. REED. I know. We all go back always to the antitrust law. We continue to do things here, and every time we discuss them, however, we say they are all covered by the antitrust law. If they are covered by the antitrust law, we have no business to fool with them or to do anything with them.

I do not think that that question is yet quite understood. If the Government brings an action against an institution and charges it with being a trust or a monopoly, the Government must prove the fact that it is a trust or monopoly and that it has actually restrained trade. I think these sections go a little further in that where the effect of the stock purchase is to eliminate or substantially lessen competition.

The difficulty is that we have changed the language of the House bill. The language of the bill as passed by the House had a distinct meaning and a distinctly different meaning from the bill as reported by the Senate committee. I am inclined to think that under the language as it is here reported by the Senate committee we may not have covered as to the second paragraph of the section anything that is not covered by the Sherman law, but as the bill came to us from the House it did cover, I think, more than the Sherman law, because as the bill came here from the House in both paragraphs 1 and 2 of the section the language was "or to create a monopoly of any line of trade in any section or community."

There is a difference between a general restraint of trade and the creation of a general monopoly and the restraint of trade in a particular community or section. However that may be, I put this question——

Mr. WALSH. Before the Senator passes from that, section 2 of the Sherman Act denounces monopoly of any part of commerce. It is held——

Mr. REED. Geographically.

Mr. WALSH. Geographically as well as in quantity. So that so far as monopoly is concerned there can be no distinction.

Mr. REED. If that is true, Mr. President, and I confess there is much force in it, then what we are doing by this section is, first, to provide that under certain terms and conditions things can be done which are now condemned by the Sherman Act and, second, we are repealing the criminal clause of the Sherman Act. It seems to me that is just where we are left.

Mr. CUMMINS. Mr. President——

Mr. REED. Let me follow that just a moment if the Senator will permit me.

Mr. CUMMINS. I agree with that. The Senator from Missouri must not understand me as saying that I think all these things are covered by the antitrust law; but when you take the last clause in the first paragraph of section 8, "where the effect of such acquisition," and so forth, "or to create a monopoly of any line of commerce," of course that is covered by the Sherman law. Likewise with regard to the last clause of the paragraph which covers the holding company, "or to create a monopoly of any line of commerce." Those two things are covered by the Sherman law.

Mr. WALSH. If the Senator from Missouri will permit me, I am quite in accord with that idea, and I think likewise that the first paragraph of section 8 might very properly be amended by excising the words "eliminate or," because if one corporation acquires stock in another corporation and thereby eliminates competition between them I have no doubt that such a transaction would fall within the condemnation.

Mr. CUMMINS. I can not quite agree with the Senator from Montana. Suppose there were a hundred corporations engaged in a certain kind of business scattered all over the United States. I do not believe it would be a violation of the antitrust law for one corporation of the hundred to sell out to another. There still would remain, in all probability, that full and substantial competition which the antitrust law requires. I do not think that the antitrust law condemns every lessening of competition; otherwise it would have to be construed to mean that one concern could not under any circumstances buy or absorb another. I think it depends on circumstances whether such a transaction can lawfully occur or not.

Mr. WALSH. That, of course, is qualified by the clause where the effect is to "substantially lessen competition."

Mr. CUMMINS. It would lessen competition as between the two, but, of course, if one had a right under the law to buy out the other it could not be any offense against the law, as it is now, for one to acquire the control of the other. It is just that case that we want, as I think, to prohibit, so that if a consolidation can lawfully occur under the antitrust law it shall be an open, public consolidation, so that everybody can know what is transpiring.

Mr. REED. Mr. President, an open and public consolidation does not help us a bit. We want to stop trusts and monopolies. We must not undertake to do it by publicity. The monopolist to-day does not hide his light under a bushel. He does not proceed in secret. He comes boldly to the front. He creates his monopoly and declares that he has a monopoly, and sells his stock on the strength of it. That is, in effect, true. The statement may seem a little exaggerated; but take the Steel Trust. Did they conceal at all the fact that they were undertaking to create a gigantic monopoly?

Mr. CUMMINS. I can not understand the Senator from Missouri. He certainly is not directing those remarks to anything I said.

Mr. REED. I was directing them to the last remark of the Senator.

Mr. CUMMINS. I know the Senator from Missouri certainly does not believe that the antitrust law forbids, under all circumstances, one business man from buying the business of another. That can not be true.

Mr. REED. No; but I undertake to say that the law ought to be that one corporation can not acquire the stock of another corporation and thus remove the competition between the two institutions.

Mr. CUMMINS. I agree with that. That ought to be our policy. But suppose there are a dozen drug stores in the city of Washington, does the Senator from Missouri believe, assuming that they affect interstate commerce, that one of the stores could not be bought by the proprietor of another unless the transaction is accomplished with a practical destruction of competition in the community in which they do business?

Mr. OVERMAN. I should like to give the Senator a case that occurred in my State. We had a great independent manufacturer of tobacco. He made a great deal of money. He had fought the trust for years. About a year ago he died. He made a valuable brand of tobacco. The executor of the will is trying to dispose of the plant. There is an estate worth perhaps $250,000 or $300,000, it may be $500,000. He can not sell it at all because the great corporations, such as the Liggett & Myers Co. and the American Tobacco Co., say we can not buy you out, and there is absolutely perhaps $500,000 worth of property belonging to the children which can not be sold. Why should they not be able to buy this property?

Mr. CUMMINS. I do not believe that is the proper construction of the antitrust law; otherwise there could be no sale of business. I think there can be, but wherever the law permits the sale of the business then it ought to be open and public, and a corporation ought not to acquire control of a business simply through the purchase of the stock of a company which continues under its own name and, so far as the public knows, is independent in its management. That is what I think this section is inteded in the main to prevent.

Mr. REED. Mr. President, I want to say this final word and then, so far as I am concerned, I am ready to have the section voted upon.

I do not propose to go back and discuss the merits of the section. We would get into every kind of controversy and there would be every sort of new argument. The purpose of the section is to strengthen the antitrust act. It seems we have gone so short a distance that it is a debatable proposition whether we have added anything to the antitrust act. Under those circumstances I insist that the criminal penalty ought to be attached at this time, and that we should not deal with subjects so closely allied to the antitrust act that they may be within it and not attach the same penalties that are provided in the antitrust act.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. POINDEXTER. Mr. President, I am opposed to the proposition of the committee to strike out the penal clauses of the section. I do agree, however, very largely with what the Senator from Iowa [Mr. CUMMINS] has said, that if the offense denounced in the section is made criminal it ought also to be made definite and certain. I think the amendment which the Senator from Iowa has submitted improves the section in that regard, but his amendment, as well as the section in the bill, contain a number of exceptions to the proposed rule prohibiting corporate ownership of stock of competing corporations. I do not think there is any necessity for exceptions. So far as ownership of stock is concerned in the corporation—leaving out of consideration for the time being the proposition which is spoken of by the Senator from Iowa of the acquirement of the property itself and confining our consideration to the evil of the multiplication of the corporations under one head and control—I believe that the prohibition of the corporate ownership of stock in competing corporations ought to be absolute and without exception.

I do not see any occasion for excepting common carriers; in fact, one of the most common abuses of monopoly, by means of corporate ownership of stock of competitors, is in the railroad business. The very Northern Securities case, to which the Senator from Iowa referred, is an illustration of that.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. In just a moment I shall do so. The proposition here, as I undertook to say before, is an entirely different one from the rule laid down by the court under the Sherman Antitrust Act. Here it is proposed to specify a certain definite transaction and prohibit it, namely, the corporate ownership of stock in a competing corporation or the holding of stock in two competing corporations by a holding company. The Sherman Antitrust Act simply prohibits an unreasonable restraint of trade, which is a much more indefinite and vague proposition. Now I yield to the Senator from Iowa.

Mr. CUMMINS. The reason that my amendment excepts common carriers is that I think that any regulation of this subject affecting common carriers ought to be made a part of the next bill, which we shall shortly, I suppose, consider. It ought to be made an amendment of the interstate-commerce law in order to preserve continuity and opportunity for thorough familiarity with the law.

I agree with the Senator from Washington [Mr. POINDEXTER] that there ought to be a regulation applying to common carriers; but I have an amendment of a similar nature, although not exactly like this, which I intend to offer when the interstate-commerce law comes before the Senate for amendment; and it will come before many days, I assume.

With regard to the exception as to a company not engaged in commerce holding stock of two or more corporations for investment, the case intended to be covered and taken care of by that exception is this: Insurance companies find it very difficult to invest their money profitably, and in some States they are permitted to own the stock of corporations. There are a great many insurance companies which now own stock in many corporations. Likewise the savings banks of the country are permitted in some quarters to own capital stock. It would be, I think, unfortunate if we were to deny the savings banks and insurance companies and like investment companies the privilege of owning stock in two or more corporations, provided, of course, that they do not acquire it or hold it for the purpose of controlling the corporations or of destroying their independence.

Mr. POINDEXTER. Mr. President, there are ample opportunities for investment and an ample number of corporations issuing securities to afford sufficient investment for the savings banks and insurance companies without modifying and weakening this prohibition of the corporate ownership of competing corporations. It is not necessary to allow savings banks and the other institutions to which the Senator from Iowa [Mr. CUMMINS] has referred to own the stock of two or more competing corporations. Under this provision they may own all of the stock—we are not specifying the percentages of the stock which they may own. Under the Senator's exception they might own all of the capital stock of two competing corporations. To go into the vague and uncertain field of their intention and purpose, to ascertain whether they invested in it for the purpose of controlling the business, would be to render the whole act uncertain, with possibilities of entire evasion of its object, and to make possible every evil which it is intended to prevent.

Mr. President, after the amendment of the Senator from Iowa has been disposed of, I propose to submit an amendment which is very simple, as a substitute for section 8, simply providing that no corporation engaged in interstate commerce shall own the stock of a competing corporation likewise engaged in commerce, and that no corporation shall own the stock of two other corporations competing with each other in interstate commerce.

I fail to see any necessity for any exception or provisos attached to that proposition; and if there are no provisos, it is capable of easy enforcement. Any man or corporation who violates it knows exactly what they are doing; and it would be perfectly feasible and proper and reasonable to attach a penal clause to the section and punish by imprisonment the man who violates it.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield.

Mr. GALLINGER. I will inquire of the Senator precisely what application his proposed amendment has to the investment of savings-bank funds. That is a pretty important matter, and the Senator from Iowa [Mr. CUMMINS] has called attention to it. Take the savings banks of New England, and the hundreds of millions of dollars upon which they are obligated to pay 4 per cent interest; I think we ought to be careful not to narrow the field of their investment. I do not exactly understand whether or not the Senator's amendment does so.

Mr. POINDEXTER. The amendment which I intend to propose would not, in my opinion, injure the savings banks in any way whatsoever. The only effect upon their investments would be that it would prohibit a savings bank from acquiring or holding or owning the stock of two competing corporations. It might own the stock of all other corporations.

Mr. GALLINGER. Take, for instance, two railroad corporations. If a savings bank should invest in the New York Central and the Southern Pacific, we will say, that would not come under the inhibition of the amendment?

Mr. POINDEXTER. Not at all. A savings bank could invest in Pennsylvania Railroad stock and invest in the stock of every other railroad except one competing with the Pennsylvania Railroad or two competing with each other. The same rule applies to other stocks, and it seems to me that that affords an ample field of investment.

Mr. GALLINGER. I quite agree to that, and I see no possible objection to the Senator's amendment.

Mr. POINDEXTER. Before we vote upon the motion of the committee to strike out the penal clause of the section, I will read the substitute which I intend to propose in lieu of that section as it now stands:

SEC. 8. That no corporation engaged in commerce shall own, hold, or acquire, directly or indirectly, the whole or any part of the shares of capital stock of a competing corporation engaged also in commerce.

No corporation shall own, hold, or acquire, directly or indirectly, the whole or any part of the capital stock of two or more corporations engaged in commerce in competition with each other.

A violation of any of the provisions of this section shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both, in the discretion of the court.

I only desire to add that I fail to see a sufficient reason for excluding common carriers from the provisions of this bill merely because there are other bills pending dealing with them. The bill in most of its other features deals with railroad companies; they are not excepted from its general provisions, and there is no reason why we should complicate the situation by dissecting out of this bill, which is intended to prevent the formation of monopolies, one class of corporations which have been the favorite subjects and agents of monopoly.

The VICE PRESIDENT. The question is on the amendment proposed by the committee.

Mr. REED. Mr. President, I raise the question of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Norris	Smith, Mich.
Borah	Hollis	Overman	Smoot
Brady	Hughes	Owen	Sterling
Bryan	Johnson	Perkins	Swanson
Burton	Jones	Poindexter	Thomas
Camden	Kenyon	Pomerene	Thornton
Chamberlain	Lane	Ransdell	Vardaman
Clapp	Lea, Tenn.	Reed	Walsh
Culberson	Lewis	Shafroth	West
Cummins	McCumber	Sheppard	White
Dillingham	McLean	Shields	Williams
Fall	Martin, Va.	Simmons	
Fletcher	Martine, N. J.	Smith, Ga.	
Gallinger	Newlands	Smith, Md.	

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The ques-

tion is on the amendment, on page 10, proposed by the committee.

Mr. VARDAMAN. Mr. President, I shall consume but a moment of the time of the Senate in discussing this matter, but I believe that if we are to prevent combinations in restraint of trade and eliminate trusts from the economy of this Government we have got to enact criminal statutes, and visit penalties sufficiently severe to make it unprofitable for the violators of the law. I believe that in cases of that character—

> The fear o' hell 's a hangman's whip
> To haud the wretch in order.

I can see no possible harm that is going to result to the American people from the punishment of men for the violation of this economic principle and very proper and necessary law. If we are not going to do that we might just as well have nothing. There is no twilight zone in the realm of morality. Men know when they are doing wrong. They know when they are violating the law, and when they deliberately violate the law they ought to be punished for it. If the trusts were writing this bill they would not oppose the committee's amendment.

I am very heartily in favor of the penalty which was prescribed by the House of Representatives in this bill, and I shall vote against striking it out.

Mr. LEWIS. Mr. President, I should like to call attention to the fact that I fear there has been an error, either of my own, unintentionally, or of the RECORD, on page 15574. The RECORD discloses a vote of mine, being a vote "yea," upon a motion made to strike out a section prescribing a criminal penalty. I had previously voted for the insertion of the very same section, and if I did vote "yea" it was certainly not intentional. I am inclined to think that in the confusion possibly the recording clerk recorded me erroneously.

My comrade here, the Senator from Oregon [Mr. LANE], tells me that I voted in the manner in which I am recorded. If so, it was an inadvertence, and I should like to have it changed unless it is too late.

Mr. REED. Mr. President, the form of this motion, as I understand, is such that a vote "yea" would be a vote to strike out the penal clause; a vote "nay" would be a vote to retain the penal clause. Those who want these practices prohibited without any penalty will vote "yea," and those who want a penalty will vote "nay."

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SMITH of Georgia. Mr. President, I only wish to say, in voting for the committee amendment, that this prohibition is one against conduct that eliminates or substantially lessens competition between the corporation whose stock is acquired and the corporation making the acquisition. It is not a definite and specific act that is named in such a way that I think punishment by a criminal process ought to follow. It seems to me that when there is sufficient room for doubt as to what is and what is not a violation of the law, the fairest course to pursue is by legal procedure to ascertain and enjoin the violation.

That was the view of the majority of the Judiciary Committee, and that was why we thought it was harsh to proceed by criminal statute to punish on conviction when the act itself was not one absolutely specific, and where there was a line of violation and nonviolation open for investigation and consideration.

Mr. REED. Mr. President, I should like to ask the Senator a question. Is this law a particle more indefinite in any respect than the term "restraint of trade, or monopoly," was at the time the Sherman Act was passed?

Mr. SMITH of Georgia. I am not sure that it is; and I also know that for a long time nothing was accomplished along the line of criminal procedure under the Sherman Act. I believe the better plan is, as to this act, which moves on to new lines of prohibition, at least for the present to proceed against them in the civil courts, rather than to undertake to do so in the criminal courts.

Mr. BORAH. Mr. President, we are engaged in making a law, and we ought to make it sufficiently certain to enable those who must come in contact with the law to know when they are within its inhibitions and when they are not. It is an indefensible thing to make a law which is so indefinite and so uncertain that no one shall know he has violated it until he has an injunction served upon him to prevent his going further in the direction in which he was going.

We have had some experience for the last 10 or 12 years with these matters, and my view is that if we have not made the bill sufficiently definite and certain for business to know when it is violating the law, we ought to turn our attention to making it certain, and we ought to have it so absolutely certain that the man who violates it may be justly punished.

I would rather spend my time during the next few days in trying to make this section sufficiently specific to advise the business world, so that, as the President said, they may know with certainty what they may do, and then punish them if they do not obey the law, than to pass an ambiguous, uncertain proposition concerning which they know nothing, and which they will disregard if there is no punishment attached thereto.

We owe it to the business men of this country to make the law sufficiently clear to inform them of what is expected, and we owe it to the public to punish those who violate the law. I am in favor of holding the penal clause, and then I will cooperate with those who think it indefinite to make it definite.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). In the absence of my pair, the junior Senator from Pennsylvania [Mr. OLIVER], I withhold my vote.

Mr. CULBERSON (when his name was called). Again announcing my pair, and its transfer to the junior Senator from Arizona [Mr. SMITH], I vote "yea."

Mr. FLETCHER (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. WARREN], which I transfer to the senior Senator from Indiana [Mr. SHIVELY], and will vote. I vote "yea."

Mr. GALLINGER (when his name was called). I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Vermont [Mr. PAGE] and will vote. I vote "yea."

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH] and withhold my vote.

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote.

Mr. LEA of Tennessee (when his name was called). I announce my general pair with the senior Senator from South Dakota [Mr. CRAWFORD]. In his absence I withhold my vote. I desire to be counted to make a quorum.

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote.

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. Unless I can get a transfer, I will withhold my vote.

Mr. WALSH (when the name of Mr. SMITH of Maryland was called). The senior Senator from Maryland [Mr. SMITH] has been called from the Chamber on official business.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON] and therefore withhold my vote.

Mr. WALSH (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the junior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Being unable to secure a transfer, I must withhold my vote, but I shall request to be counted as present to constitute a quorum. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. PITTMAN. The junior Senator from Delaware [Mr. SAULSBURY] is absent on account of sickness. He is paired with the junior Senator from Rhode Island [Mr. COLT].

Mr. MYERS. Has the junior Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with him. In his absence I withhold my vote.

Mr. WALSH. I desire to announce that the Senator from Oklahoma [Mr. GORE] is paired with the Senator from Wisconsin [Mr. STEPHENSON].

Mr. JOHNSON. I am informed that my pair, the junior Senator from North Dakota [Mr. GRONNA], if present, would vote as I would vote. Therefore I vote "nay."

Mr. WILLIAMS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arizona [Mr. ASHURST] and will vote. I vote "yea."

Mr. SMITH of Georgia. I have been relieved from my pair with the senior Senator from Massachusetts [Mr. LODGE], and therefore will vote. I vote "yea."

Mr. DILLINGHAM (after having voted in the negative). I observe that the senior Senator from Maryland [Mr. SMITH] is not in the Chamber. Having a pair with him, I withdraw my vote.

Mr. GALLINGER. I have been requested to announce the following pairs:

The senior Senator from Wyoming [Mr. CLARK] with the senior Senator from Missouri [Mr. STONE];

The junior Senator from West Virginia [Mr. GOFF] with the senior Senator from South Carolina [Mr. TILLMAN];

The junior Senator from Utah [Mr. SUTHERLAND] with the senior Senator from Arkansas [Mr. CLARKE].

Mr. OWEN. Mr. President, I should like to know whether a quorum has voted?

Mr. GALLINGER. Mr. President, I do not desire to be technical, but it seems to me the declaration ought to be made by the Chair, and then, if a Senator wishes to vote, notwithstanding his pair, he might do so.

Mr. OWEN. I have the right, under my arrangement, to vote in case it is necessary to make a quorum; and I wish to exercise that right if it is necessary to make a quorum.

The VICE PRESIDENT. The Chair is informed that it is not necessary.

Mr. CLAPP. I desire to say that the junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent from the Chamber. If he were here, he would vote "nay."

The result was announced—yeas 29, nays 22, as follows:

YEAS—29.

Bankhead	Gallinger	Perkins	Walsh
Bryan	Hitchcock	Pomerene	Weeks
Burton	Hughes	Ransdell	West
Camden	Kern	Simmons	White
Chilton	Lee, Md.	Smith, Ga.	Williams
Culberson	Martin, Va.	Smith, Mich.	
Cummins	Newlands	Swanson	
Fletcher	Overman	Thornton	

NAYS—22.

Borah	Jones	Norris	Shields
Brady	Kenyon	Pittman	Sterling
Bristow	Lane	Poindexter	Thompson
Clapp	Lewis	Reed	Vardaman
Fall	McCumber	Shafroth	
Johnson	Martine, N. J.	Sheppard	

NOT VOTING—45.

Ashurst	Gore	Oliver	Smoot
Brandegee	Gronna	Owen	Stephenson
Burleigh	Hollis	Page	Stone
Catron	James	Penrose	Sutherland
Chamberlain	La Follette	Robinson	Thomas
Clark, Wyo.	Lea, Tenn.	Root	Tillman
Clarke, Ark.	Lippitt	Saulsbury	Townsend
Colt	Lodge	Sherman	Warren
Crawford	McLean	Shively	Works
Dillingham	Myers	Smith, Ariz.	
du Pont	Nelson	Smith, Md.	
Goff	O'Gorman	Smith, S. C.	

So the amendment of the committee was agreed to.

Mr. CULBERSON. Mr. President, I call attention to the amendment proposed by the committee on page 17, which was passed over at the request of the Senator from Tennessee [Mr. SHIELDS.]

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, the committee proposes to strike out all of lines 3, 4, 5, 6, 7, and 8, which read as follows:

That any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding $100 a day for each day of the continuance of such violation, or by imprisonment for such period as the court may designate, not exceeding one year, or by both, in the discretion of the court.

Mr. BURTON. Mr. President, may I ask on what page that is?

The VICE PRESIDENT. Page 17. The question is on agreeing to the committee amendment.

Mr. LANE. What page is it, please?

The VICE PRESIDENT. Page 17.

Mr. WALSH obtained the floor.

Mr. LANE. Mr. President, I offer an amendment to that amendment.

The VICE PRESIDENT. The Senator from Montana has the floor.

Mr. LANE. Very well.

Mr. WALSH. I did not desire to address myself particularly to this motion, but before we pass section 8, while it is in mind, I desire to say that at the proper time I shall myself, on my own account and not for the committee, unless the committee shall later conclude to coincide with me in my views, move a number of amendments to section 8. I shall ask to take out the words "eliminate or," in line 17, as, to say the least, being entirely unnecessary, because if competition is entirely eliminated it must, of course, be substantially lessened. Likewise I shall move to strike out the words, in lines 19 and 20, "or to create a monopoly in any line of commerce," and that for the reason that if one corporation acquires the stock of another corporation, and the effect is to create a monopoly, it is already made punishable by the Sherman Antitrust Act. I can not quite understand why the language should ever have found a place in the bill. I read section 2 of the Sherman Act:

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

That is, everybody who attempts to set up a monopoly in any manner or by any other means—and this would be one means. The same provision is found in the next clause:

Or granting of proxies, or otherwise, is to eliminate or substantially lessen competition between such corporations, or any of them, whose stock or other shares capital is so acquired, or to create a monopoly of any line of commerce.

Of course, if by virtue of a holding company a monopoly is created, it is punishable by section 2 of the Sherman law.

In this connection I desire to say also that, in order to quiet an apprehension which seems to exist in the minds of some lest some provisions of this act should operate to repeal or to amend the Sherman Antitrust Act, I shall offer an amendment which I have prepared to offer for the committee at the close of the bill, which is to the effect and substance that nothing contained in this act shall be deemed either to repeal or to amend or modify the Sherman Act, except as it is herein specifically stated. For instance, in section 7 it is specifically stated the Sherman Antitrust Act shall not extend to labor, agricultural, or horticultural organizations.

I make these suggestions now for the consideration of members of the committee. I am inclined to think that they ought to be adopted. My own view as to the second clause, ending with the word "commerce," in line 23—

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce.—

That is to say, the holding company—is that many industrial corporations have no purpose except to establish a monopoly. Of course, the legitimate cases will be taken care of by the next paragraph, which provides that—

This section shall not apply to corporations purchasing such stock solely for investment and not using the same, by voting or otherwise, to bring about, or attempting to bring about, the substantial lessening of competition.

I trust these matters will have the earnest consideration of my colleagues and possibly the indorsement of the committee.

Mr. CHILTON. Before this matter is passed I wish to call the attention of the Senate to page 10, line 20, that the word "heretofore" should be inserted between the words "anything" and "prohibited." The amendment reads:

Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired: *Provided*, That nothing herein shall be held or construed to authorize or make lawful anything prohibited and made illegal by the antitrust laws.

This statute we are passing is an antitrust law. Therefore it would be a sort of legislative cancellation process or legislating in a circle if we did not insert the word "heretofore." We mean to say that nothing herein shall be held or construed to authorize or make lawful anything heretofore prohibited and made illegal by the antitrust laws. Of course, in so far as this makes anything illegal we mean to have it illegal. I will ask unanimous consent that the word "heretofore" may be inserted in line 20, page 10, before the word "prohibited." That is clearly what it means. We do not mean to say that notwithstanding we pass a law it shall not have any effect. The law we are now passing is an antitrust law and we do not mean to say that it shall not have any effect. The word "heretofore" should clearly be inserted, and I hope it will be done by unanimous consent.

Mr. REED. I have no objection to it. I think we ought to open the whole thing to amendment.

Mr. CHILTON. I ask unanimous consent that the word "heretofore" may be inserted.

Mr. WALSH. I have no objection to it.

Mr. CULBERSON. The amendment has been agreed to.

The VICE PRESIDENT. By unanimous consent the vote heretofore taken will be reconsidered.

Mr. LEE of Maryland. I object.

The VICE PRESIDENT. There is objection.

Mr. WALSH. I think the committee had agreed, in line 20, on page 10, to change the word "and" to "or."

Mr. CULBERSON. The pending amendment is on page 17.

The VICE PRESIDENT. The pending amendment is on page 17.

Mr. SHIELDS. Mr. President, the motion just voted on was to strike out the penal clause of section 8. Has section 8 been adopted as amended? Is it not still open to amendment?

Mr. CULBERSON. It is my understanding that section 8 has not yet been adopted, but the committee amendments to section 8 have been adopted, and with the understanding that amendments of individual Senators shall be considered when the committee amendments are disposed of.

Mr. VARDAMAN. Following all the committee amendments.

Mr. SHIELDS. I was raising the question so that the amendment offered by the Senator from West Virginia [Mr. CHILTON] might be considered.

The VICE PRESIDENT. It has been the invariable rule, and it was so ordered in this case, that the amendments of the committee should be first considered. After they have been disposed of other amendments will be in order.

Mr. SHIELDS. My only inquiry was with a view of considering the amendment proposed by the Senator from West Virginia, which seemed to be obviously necessary to perfect the section. However, I have no objection to its going over.

Now, referring to section 9, the objection to the penal clause of section 9, which is the section which prohibits interlocking directorates in corporations engaged in interstate commerce, seems to be largely on account of comparatively small corporations engaged in trade and manufacture. As now written, the section does not apply to corporations with a capital stock of less than $1,000,000. In order to remove that objection as far as possible to this penal clause, if it is now in order to perfect the section, I move to amend the section, on page 15, line 25, by striking out "1" and inserting "5," so as to make it read "$5,000,000."

The object of this whole section, Mr. President, is to prevent the common and well-known evil of interlocking directorates, and thus a practical combination of different corporations engaged in commerce, which inevitably results in restraint of trade and monopoly. This question has been elaborately discussed on several days of this week. I have said all about the evil that I desire to say, and believing that this amendment will or ought to remove the objections of most Senators to it, and all real objections to it, and thus leave the statute in a situation to prevent the great monopolies which the legislation is really intended to prevent, I hope the Senate will adopt the amendment I have offered and then allow the penal clause to remain.

The VICE PRESIDENT. The Chair thinks it must be and always has been the parliamentary decision that the committee amendment must first be passed upon by the Senate. Of course it is always in order to propose an amendment to an amendment of the committee, but the amendment proposed by the Senator from Tennessee is not an amendment to the committee amendment. It is an amendment to the text of the bill, and will be in order when the committee amendments have been finally passed upon. If the committee amendment proposing to strike out the penalty should meet with the approval of the Committee of the Whole and it should be stricken out, and if subsequently the Senator from Tennessee should propose his amendment, and if it should be carried, changing the amount from $1,000,000 to $5,000,000, when the bill passes from the Committee of the Whole to the Senate the Senator from Tennessee can reserve the question to be voted upon separately whether the Senate will concur in the amendment of the committee which had been adopted in Committee of the Whole by striking out the language. The Senator from Tennessee can lose no rights by the ruling of the Chair. The Chair thinks that at the present time the amendment is not in order and it will not be in order until the committee amendments have been finally disposed of.

Mr. WALSH. Mr. President, I wish to call the attention of the Senator from Tennessee to the fact that in a list of so-called trusts which was put in the RECORD a few days ago there are many appearing, the combined capital stock of which is not more than a million, many of them not more than two million, and I should say that at least 25 per cent of them are less than five million. For instance, the American Woodworking Machine Co., alleged to be a trust—I suppose that means that it is a combination of various constituent companies or it owns properties theretofore owned prior to its organization by different competing companies—has a capital stock of $1,850,000. The American Wringer Co. has a capital stock of $1,750,000. The Chicago Railway Equipment Co. has a capital stock of $2,485,000. The Continental Cotton Oil Co. has a capital stock of $3,250,000. That is the combined capital of all.

It does seem to me that if you make this provision in relation to interlocking directorates apply only to corporations having a capital stock of upwards of $5,000,000 you will reach only those great combinations that are perhaps already existing in violation of the law and will not reach the lesser corporations that are being so adjusted as that they will eventually become a constituent part of some enormous combination.

It seems to me that if the amount is to be altered in any respect it ought to be reduced, not increased. I should certainly say that there should not be interlocking directorates in any corporations having a capital stock of more than a quarter of a million. I should like very much to hear the views of the Senator from Tennessee.

Mr. SHIELDS. Mr. President, I was perfectly aware of the capital stock of the corporations referred to by the Senator from Montana. I placed the list in the RECORD myself a day or two since. In my opinion it would be better to strike out the amount, $1,000,000, and have no limit. I agree with the Senator from Montana upon that. However, there seems to be much opposition to the penal clause applying to the smaller corporations, and since the greater corporations, those of capital amounting to from five million up even to a billion are the ones that do the greatest evil, in order to get some legislation against them I was willing to exempt others. It was not because I believed there ought to be interlocking directorates in any corporation, but in an effort to get the evil reduced and prohibit it in those that are doing the greatest wrong. It was only for that reason that I made the motion.

I reserve the right, as suggested by the presiding officer, to offer an amendment when the bill is in the Senate.

The VICE PRESIDENT. It may be offered in Committee of the Whole after the committee amendments have been either agreed to or disagreed to.

Mr. SHIELDS. I will do that.

The VICE PRESIDENT. The question is on the committee amendment.

Mr. REED. Mr. President, just so that the RECORD will be clear as far as I am concerned, this is another proposition to strike out the penal clause. At this time we propose to solemnly prohibit corporations engaged in competition from having a common control through the same officers, the most patent, barefaced method employed by combinations, an abuse that every man in this Chamber knows exists and knows has been employed by nearly every proprietor of monopoly in the land.

The section further provides, as it came from the House, a very mild penalty of $100 a day. It is proposed to strike that out and leave nothing in its place. There is not a trust magnate on this earth and there is not one of them that has passed from this earth who would not if he were here vote to strike out the penal clause. So far as I am concerned I propose to vote to keep it in and I ask for a roll call.

The VICE PRESIDENT. The Senator from Missouri demands the yea and nays on agreeing to the amendment of the committee.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). Again announcing my general pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair and transfer as before and vote "yea."

Mr. HOLLIS (when his name was called). I announce my pair as before and withhold my vote.

Mr. MYERS (when his name was called). I announce my pair with the Senator from Connecticut [Mr. MCLEAN] and withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. WALSH (when his name was called). Making the transfer heretofore announced, I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. CHAMBERLAIN. I again announce my pair with the Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. COLT. I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY]. In his absence I withhold my vote.

Mr. WEEKS. I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I transfer my pair to the Senator from Illinois [Mr. SHERMAN] and vote. I vote "yea."

Mr. LEA of Tennessee. I again announce my pair and withhold my vote.

Mr. WALSH. I announce a pair between the Senator from Oklahoma [Mr. GORE] and the Senator from Wisconsin [Mr. STEPHENSON].

Mr. CLAPP. I desire to state that the junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent. If present, he would vote "nay" on this vote.

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], and being unable to secure a transfer I must withhold my vote unless my vote is necessary to make a quorum. If at liberty to vote, I would vote "yea."

The Secretary recapitulated the vote.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Is a quorum developed by the roll call thus far?

The VICE PRESIDENT. The Chair will announce the vote to the Senator. Senators can vote after that is done, if they have a right to vote.

Mr. WILLIAMS. After the vote has been announced Rule XII prevents a Senator from voting.

The VICE PRESIDENT. The Chair does not think so.

The result was announced—yeas 28, nays 19, as follows:

YEAS—28.

Ashurst	Cummins	Martin, Va.	Smoot
Bankhead	Fletcher	Newlands	Swanson
Bryan	Gallinger	Overman	Thornton
Burton	Hitchcock	Perkins	Walsh
Camden	Hughes	Pomerene	Weeks
Chilton	Kern	Ransdell	West
Culberson	Lee, Md.	Simmons	White

NAYS—19.

Brady	Kenyon	Pittman	Shields
Bristow	Lane	Poindexter	Sterling
Clapp	McCumber	Reed	Thompson
Fall	Martine, N. J.	Shafroth	Vardaman
Jones	Norris	Sheppard	

NOT VOTING—49.

Borah	Gronna	Oliver	Smith, S. C.
Brandegee	Hollis	Owen	Stephenson
Burleigh	James	Page	Stone
Catron	Johnson	Penrose	Sutherland
Chamberlain	La Follette	Robinson	Thomas
Clark, Wyo.	Lea, Tenn.	Root	Tillman
Clarke, Ark.	Lewis	Saulsbury	Townsend
Colt	Lippitt	Sherman	Warren
Crawford	Lodge	Shively	Williams
Dillingham	McLean	Smith, Ariz.	Works
du Pont	Myers	Smith, Ga.	
Goff	Nelson	Smith, Md.	
Gore	O'Gorman	Smith, Mich.	

The VICE PRESIDENT. The Senator from Mississippi.

Mr. WILLIAMS. Under Rule XII I can not vote after the announcement of the vote. There is a positive rule that a vote can not be changed after it has once been announced.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Smith, Mich.
Bankhead	Hughes	Overman	Smoot
Brady	Jones	Owen	Sterling
Burton	Kenyon	Perkins	Swanson
Camden	Lane	Pittman	Thomas
Chamberlain	Lea, Tenn.	Poindexter	Thompson
Chilton	Lee, Md.	Ransdell	Thornton
Clapp	Lewis	Reed	Vardaman
Culberson	McCumber	Shafroth	Walsh
Cummins	Martin, Va.	Sheppard	Weeks
Fall	Martine, N. J.	Shields	West
Fletcher	Myers	Simmons	White
Gallinger	Newlands	Smith, Ga.	Williams

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The pending question is on the amendment of the committee, on page 17, to strike out from line 3 to line 8, inclusive. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). Again announcing my pair, in his absence I withhold my vote, unless it be necessary to make a quorum.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair and its transfer as before, I vote "yea."

Mr. GALLINGER (when his name was called). Announcing the same transfer of my pair as on the previous vote, I vote "yea."

Mr. HOLLIS (when his name was called). I again announce my pair.

Mr. LEA of Tennessee (when his name was called). I again announce my pair with the Senator from South Dakota [Mr. CRAWFORD], and in his absence withhold my vote.

Mr. MYERS (when his name was called). I announce my pair with the junior Senator from Connecticut [Mr. MCLEAN], who is absent. I therefore withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. WALSH (when his name was called). Again announcing my pair and its transfer as heretofore, I vote "yea."

Mr. WEEKS (when his name was called). I again announce my pair with the senior Senator from Kentucky [Mr. JAMES], which I transfer to the Senator from Illinois [Mr. SHERMAN], and vote "yea."

Mr. WILLIAMS (when his name was called). Mr. President, I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Being unable to secure a transfer, I must withhold my vote. If I were at liberty to vote, I should vote "yea." I wish also to say that I have an understanding with the senior Senator from Pennsylvania that when it is necessary to make a quorum I am at liberty to vote. If, therefore, it should develop that my vote is necessary, I request that I be recorded as voting "yea."

The roll call was concluded.

Mr. DILLINGHAM. In the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote.

Mr. WALSH. I desire to again announce the pair of the Senator from Oklahoma [Mr. GORE] with the Senator from Wisconsin [Mr. STEPHENSON].

The VICE PRESIDENT. The Secretary will call the name of the Senator from Mississippi [Mr. WILLIAMS].

The Secretary called the name of Mr. WILLIAMS.

Mr. WILLIAMS. Under my agreement with the Senator from Pennsylvania [Mr. PENROSE] I have a right to vote in order to make a quorum. Understanding that it is necessary for me to vote in order to make a quorum, I vote "yea."

Mr. HOLLIS. In accordance with my understanding with the junior Senator from Maine [Mr. BURLEIGH], I may vote to make a quorum. I vote "yea."

The result was announced—yeas 29, nays 20, as follows:

YEAS—29.

Bankhead	Gallinger	Perkins	Walsh
Bryan	Hollis	Ransdell	Weeks
Burton	Hughes	Simmons	West
Camden	Kern	Smith, Ga.	White
Chilton	Lee, Md.	Smith, Mich.	Williams
Culberson	Martin, Va.	Smoot	
Cummins	Overman	Swanson	
Fletcher	Owen	Thornton	

NAYS—20.

Borah	Kenyon	Norris	Sheppard
Brady	Lane	Pittman	Shields
Clapp	Lewis	Poindexter	Sterling
Fall	McCumber	Reed	Thompson
Jones	Martine, N. J.	Shafroth	Vardaman

NOT VOTING—47.

Ashurst	Goff	Nelson	Smith, Ariz.
Brandegee	Gore	Newlands	Smith, Md.
Bristow	Gronna	O'Gorman	Smith, S. C.
Burleigh	Hitchcock	Oliver	Stephenson
Catron	James	Page	Stone
Chamberlain	Johnson	Penrose	Sutherland
Clark, Wyo.	La Follette	Pomerene	Thomas
Clarke, Ark.	Lea, Tenn.	Robinson	Tillman
Colt	Lippitt	Root	Townsend
Crawford	Lodge	Saulsbury	Warren
Dillingham	McLean	Sherman	Works
du Pont	Myers	Shively	

So the amendment was agreed to.

Mr. CULBERSON. Mr. President, I suggest that we proceed with the consideration of the amendment under discussion on yesterday to section 9b, on page 17, proposed by the Senator from Montana [Mr. WALSH] on behalf of the committee.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Mr. WALSH, on behalf of the Committee on the Judiciary, proposes an amendment to section 9b——

Mr. WALSH. Mr. President, the amendment which the Secretary is about to read has heretofore been read and the nature of it explained to the Senate. As will be recalled, it refers to the procedure prescribed by the interstate trade commission bill, and provides that sections 8 and 9 shall be enforced by the procedure prescribed in that act. The committee, however, reached the conclusion that it would be, perhaps, inadvisable thus to refer to an act not yet in existence, the exact nature and terms of which we have no means of knowing until it has been finally disposed of by both Houses. It was accordingly deemed the part of wisdom to repeat in this bill the provisions of that bill as they were finally adopted. Therefore, Mr. President, with the permission of the Senate, I ask leave to withdraw the amendment tendered, and I offer the amendment which I send to the desk in its stead, which is substantially the same, except

that instead of making the provisions of that proposed act applicable the provisions are herein set out.

Mr. WILLIAMS. That course is agreed to by the committee?

Mr. WALSH. It is agreed to by the committee.

The SECRETARY. It is proposed to strike out all after line 3, on page 18, and to insert in lieu thereof the following words:

Whenever the commission vested with jurisdiction thereof shall have reason to believe that any person, partnership, or corporation is violating any of the provisions of sections 8 and 9 of this act it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that behalf and at the same time a notice of hearing upon a day and at a place therein fixed. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint.

Upon such hearing the commission shall make and file its findings, and if the commission shall find that the person, partnership, or corporation named in the complaint is violating any of the provisions of said sections it shall thereupon enter its findings of record and issue and serve upon the offender an order requiring that within a reasonable time and in a manner to be stated in said order the offender shall cease and desist from such violations and divest itself of the stock held by it or rid itself of the directors chosen contrary to the provisions of sections 8 or 9, as the case may be. The commission may at any time set aside, in whole or in part, or modify its findings or order so entered or made. Any suit brought by any such person, partnership, or corporation to annul, suspend, or set aside, in whole or in part, any such order of a commission shall be brought against the commission in a district court of the United States in the judicial district of the residence of the person or of the district in which the principal office or place of business is located and the procedure set forth in the act of Congress making appropriations to supply urgent deficiencies and insufficient appropriations for the fiscal year of 1913, and for other purposes, relating to suits brought to suspend or set aside, in whole or in part, an order of the Interstate Commerce Commission shall apply.

Persons, partnerships, or corporations filing or causing to be filed complaints before a commission shall have the right to appear and be made parties to the case and be represented before the courts by counsel, under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

If within the time so fixed in the order of a commission the person, partnership, or corporation against which the order is made shall not cease and desist from the violations found to exist, and divest itself of stock held or rid itself of directors chosen, in the manner ordered by the commission, and if in the meantime such order is not annulled, suspended, or set aside by a court, the commission may bring a suit in equity in a district court in any district wherein such person or persons reside or wherein such corporation has its principal office or place of business to enforce its said order, and jurisdiction is hereby conferred upon said court to hear and determine any such suit and to enforce obedience thereto according to the law and rules applicable to suits in equity. All the provisions of the law relating to appeals and advancement for speedy hearing in suits brought to suspend or set aside an order of the Interstate Commerce Commission shall apply in suits brought under this section: *Provided*, That neither the orders of a commission nor the judgment of the court to enforce the same shall in anywise relieve or absolve any person or corporation from any liability under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or for violations of any of the provisions of this act other than those contained in sections 8 and 9 thereof.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The question is on the amendment proposed by the Senator from Montana.

Mr. REED. Mr. President, I desire to ask the Senator from Montana if he intends to leave in section 9b all that precedes his amendment? I call his attention to the fact that section 9b reads:

SEC. 9b. That authority to enforce compliance with the provisions of sections 2, 4, 8, and 9 of this act by the corporations, associations, partnerships, and individuals respectively subject thereto is hereby vested: In the Interstate Commerce Commission where applicable to common carriers and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

Mr. WALSH. It will be necessary, of course, to strike out "two" and "four." That will be done immediately upon the adoption of the amendment I have offered.

Mr. REED. Now, does the Senator mean by this amendment to exclude the right of a court in any way to interfere to enforce this section? I call attention to this: We declare certain things here to be unlawful. Having declared them to be unlawful, if we stopped at that point, the authority to enforce them would be in some court in some way, by an injunction or mandamus or other appropriate process; but if we provide, as we do here, that a thing is wrongful and follow that with a provision that the authority to enforce it is vested in a certain board, it seems to me that would be an exclusive authority that no court could interfere with until that authority had first acted. I want to know if that is the case?

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. I do.

Mr. CULBERSON. I remind the Senator from Missouri that section 14 by an amendment expressly provides that aggrieved parties may proceed to secure relief by injunction for violations of the provisions under sections 2, 4, 8, and 9. That will be changed to meet the bill as passed of course, but it will still include sections 8 and 9.

Mr. REED. With that provision in the bill it is all right so far as that is concerned.

Mr. CULBERSON. The Senator remembers the amendment?

Mr. REED. I remember it now. I understand the Senator from Montana, then, will propose, as soon as the amendment he has offered is acted upon, to change the preceding language of the section?

Mr. WALSH. Yes.

Mr. REED. I have nothing further to say.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WALSH. Mr. President, a parliamentary inquiry. The amendment just adopted provides for the enforcement of sections 8 and 9; indeed, it covers sections 2, 4, 8, and 9, but I shall offer an amendment to take out sections 2 and 4. The amendment refers to those sections which appear in the bill numbered 8 and 9, but sections 2 and 3 having been stricken out, the subsequent sections of the bill will, I assume, be renumbered. I inquire of the Chair whether, if the language of the amendment is inappropriate, it may be changed to conform to the numbering when the renumbering is done?

Mr. WILLIAMS. I suggest that the Senator ask unanimous consent that that may be done.

Mr. WALSH. Or whether the numbers themselves will be changed?

The PRESIDING OFFICER. The Chair rules that the amendment will take effect as it now reads, but that if the Senator asks for unanimous consent, the numbers will be changed to correspond to the evident intention of the Senate.

Mr. CULBERSON. It was the intention, Mr. President, of course, when we finish the bill to number the sections consecutively.

Mr. WALSH. Then, Mr. President, I ask unanimous consent that upon the completion of the bill the numbers "8" and "9" in the amendment just adopted shall be changed so as to designate those sections now numbered in the bill 8 and 9.

Mr. WILLIAMS. Changed to whatever the new numbers may be.

Mr. WALSH. To whatever the new numbers may be.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES. Mr. President, as I understand, the amendment just adopted provides for the enforcement of section 8. Section 8 has not yet been adopted. While we have adopted the committee amendments to it, notices have been given here that substitutes will be offered. I take it that if a substitute should be adopted the section might be enforced by an entirely different method than that proposed here.

Mr. WALSH. Undoubtedly. If the penal provision, for instance, should be adopted, I should naturally think that it would be the logical course for the Senate to eliminate section 9b altogether.

Mr. JONES. Of course we could reconsider the vote whereby the amendment has been agreed to; but I merely want to suggest that situation and ask the Senator if he does not think it would be better to withhold the amendment until section 8 is finally disposed of?

Mr. WALSH I should say not, Mr. President, because, according to the rule under which we are proceeding, we will not be able to take up amendments offered by the Senators from the floor until the committee amendments have been disposed of.

Mr. JONES. Mr. President, it simply illustrates the inadvisability of considering a bill as we have been considering this one; that is, to consider committee amendments before any other amendments can be offered. While that rule may be all right with reference to appropriation bills, I think that it is a rule that we ought not to follow hereafter in connection with other measures.

Mr. GALLINGER. Mr. President, I will suggest to the Senator that, going back a little way in our parliamentary procedure, when we agreed to consider committee amendments first we had in mind committee amendments reported by the committee and not amendments offered by individual Senators upon the floor, stating they were committee amendments.

Mr. JONES. The point I had in mind is this: For instance, in section 8 there were several committee amendments adopted, but notice has been given that substitutes will be offered for the whole section.

Mr. GALLINGER. I understand that.

Mr. JONES. It seems to me it would be much better to act upon the committee amendments to a section and then upon any other amendments that a Senator may propose before we pass on to another section.

Mr. GALLINGER. I quite concur in that view.

Mr. JONES. I simply suggest that with a view hereafter of not consenting to the consideration of a bill in the manner in which we have been going along with this bill.

The PRESIDING OFFICER. The question is now on the adoption of the committee amendment, being section 9b, as amended.

Mr. WALSH. I move now that the words "two, four," be stricken from the section, on page 17, line 23.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 17, line 23, after the word "sections," it is proposed to strike out the words "two, four," and the comma after "four."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the committee, being section 9b, as amended.

Mr. REED. Mr. President, I am going to call attention to the fact that the substitute offered by the Senator from Montana for the language of section 9b as originally reported by the committee does not contain the penalty provision reported by the committee in the first instance. For instance, the bill as reported by the committee contained the language:

> Disobedience to any order or decree which may be made in any such proceeding or any injunction or other process issued therein shall be punished by a fine not exceeding $100 a day during the continuance of such disobedience—

And so forth. That is taken out. That does not appear in the proposition just adopted. Indeed, as I understand, there is now no penalty anywhere for any violation of this law we are enacting, except as to section 4.

I have made my protests upon these matters, and I do not intend to take the time of the Senator further than to say that I think we have made a great and a fundamental error. I shall continue to entertain that opinion until time shall demonstrate its incorrectness.

I repeat what I have already said: There is not a trust magnate nor a trust attorney in the United States who has not been clamoring that the penalties of the criminal laws should not be laid upon him, who has not been insisting that the penalties of every character should be made light; and we have dealt with them here in so generous a manner, so kindly and so considerately, that it seems to me they ought to give us a vote of thanks.

Mr. WALSH. Mr. President, I desire that the matter shall be entirely understood, and to call the attention of the Senator from Missouri, as well as the Senate, to the fact that the penalties in relation to which he has just spoken are quite different from those in relation to which he has heretofore addressed the Senate. They are not of the same character at all.

The amendment was offered, as I stated, to make the proceedings to enforce sections 8 and 9 before the trade commission exactly the same as the proceedings before that commission to enforce any order that it may make under the provisions of section 5 of the trade-commission bill. That section provides that the commission may make the order. If it is disobeyed, the commission goes before the court and procures an order requiring compliance with the order of the commission. There are no penalties attached to that at all; but the general law takes hold of it, and there is a penalty prescribed by the general law for the violation of any injunction issued by a Federal court. So, Mr. President, it is not necessary to add penalties; but, so far as I myself am concerned, I am perfectly willing to add to this provision of the bill a penalty other than and different from that prescribed by the general law in relation to contempt of any order of a Federal court. I must confess, however, that I do not see the need of it.

Whenever an order is thus made—not by the commission, for the penalties do not refer to the order of the commission, they refer to the order of the court—whenever an order is made by the court the court has unlimited power to enforce obedience thereto. The statute offers no restriction or limitation whatever. The man against whom the order goes may be imprisoned for the term of his natural life until he does comply with the order of the court. That is to say, the executive power of the court is something different from its punitive power. Not only has the court unlimited power to wield its executive force to compel obedience, but the statute authorizes the court, even though obedience is afterwards given, to impose a penalty for contempt of the order of the court.

So I feel quite sure that my friend the Senator from Missouri, on reflection, will feel that these penalties do not stand upon the same footing. However, I feel this way about it: That whenever the order is made by the court it will be obeyed, and that there never will arise a case in which it shall become necessary to appeal to the contempt provision and to the provision prescribing penalties for disobedience; but if the Senator from Missouri cares to add to the bill a provision substantially like this, speaking for myself, I shall not oppose it.

Mr. CUMMINS. Mr. President, I desire to call to the attention of the Senator from Montana and to the attention of the Senator from Missouri as well the fact that the language in the section as it was originally reported by the committee is a limitation upon the court and not an extension of the power of the court. If it were not there, the court could fine the person who disobeyed the order a thousand dollars a day and imprison him for five years, whereas under the original report of the committee the fine could not exceed $100 a day and the imprisonment could not exceed one year.

I look upon it as an unnecessary curtailment of the power of the court. Instead of adding any penalty that would insure obedience to the order, we invaded the power of the court and limited the fine to $100 a day. It might be one cent per day, or it might be one minute imprisonment. I do not see in the original provision any evidence of a desire to be unusually harsh or severe with one who disobeys the order of the court.

Mr. REED. No, Mr. President; I called attention to this striking out in connection with all the other eliminations that had been made of penal clauses; and I call the attention of the Senator from Montana to the fact that a court, under the law as it will exist when this bill is passed, has limits placed upon its power to punish for the violation of any injunction issued by the court.

In section 20 the bill provides:

> In all cases within the purview of this act such trial may be * * * upon demand of the accused, by a jury—

And, following that—

> If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months.

Does not the Senator understand that that applies?

Mr. WALSH. My recollection is that that is a reenactment of the existing law. I have sent for the act, but my recollection is that the present law so limits the power of a Federal court to punish in cases of contempt.

Mr. REED. I am only addressing myself to the statement of the Senator that the power of a Federal court to punish for contempt for violating its decree is practically unlimited. I so understood the Senator.

Mr. WALSH. The Senator understood me aright.

Mr. REED. This is a limit.

Mr. WALSH. No; by no means. If a district court of the United States commands one to execute a deed, he can not escape the execution of that deed by paying a fine of a thousand dollars or undergoing imprisonment for six months. The court will imprison him, as I say, for his natural life, until he executes that deed; but, in addition to that, in addition to forcing compliance with its order by imprisonment, as long as his recalcitrancy exists, this punishment may be imposed.

Mr. POINDEXTER. Mr. President, I understood that the Senator from Montana substituted the amendment which was adopted this morning for the one he offered yesterday because the Federal trade commission referred to had not yet been established. I notice that the amendment he offered this morning sets out the specific procedure; but it still vests the jurisdiction in the Federal trade commission, and there is no such institution. I just thought I would call the Senator's attention to that, in view of the fact that he has been dealing with that general subject.

Mr. WALSH. Mr. President, the fact had not been overlooked. We have indulged the expectation, or at least the hope, that a Federal trade commission will be created with some powers.

Mr. POINDEXTER. I hope the Senator's expectation will be realized, but I much prefer the amendment he had on yesterday, as being simpler in form, rather than repeating in a second statute the details of procedure. If you are going to anticipate you might as well anticipate in one case as in the other.

The PRESIDING OFFICER. The question is on the committee amendment, section 9b, as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The SECRETARY. In section 10, page 21, line 11, after the word "or," the committee proposes to strike out the words "has an agent" and insert "transacts any business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found," so as to make the section read:

SEC. 10. That any suit, action, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant, but also any district wherein it may be found or transacts any business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found.

The amendment was agreed to.

The SECRETARY. In section 11, page 21, after line 19, it is proposed to strike out:

Provided, That in civil cases no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

The amendment was agreed to.

The SECRETARY. In section 12, page 22, line 1, after the word "that," it is proposed to strike out "whenever a corporation shall violate any of the provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting in whole or in part such violation, and such violation" and to insert "every director, officer, or agent of a corporation which shall violate any of the penal provisions of the antitrust laws, who shall have aided, abetted, counseled, commanded, induced, or procured such violation."

Mr. ASHURST. Mr. President, I should like to know if this will be open later to amendments offered by individual Members of the Senate.

The PRESIDING OFFICER. It will be open later.

Mr. ASHURST. It is not open at this time?

The PRESIDING OFFICER. Not at this time.

Mr. CLAPP. Mr. President, I should like to ask the Senator in charge of the bill the reason for changing the language. Technically speaking, at least, a penal provision of law must be a provision prohibiting a certain act and prescribing a punishment. That, at least, is the technical definition of a penal law. Under the House provision, assuming that that technical definition is a limitation, there was no limintation. It read:

That whenever a corporation shall violate any of the provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting in whole or in part such violation, and such violation shall be deemed a misdemeanor, and upon conviction therefor—

And so forth. Now, this amendment strikes out all down to and including line 6, except the word "every" inserted at the end thereof, and inserts:

That every director, officer, or agent of a corporation which shall violate any of the penal provisions of the antitrust laws, who shall have aided, abetted—

And so forth.

Now, technically, I repeat, a penal law would be a law not only prohibiting an act, but providing a punishment for the act. If the punishment is already provided for, and limited only to those cases where it is provided for, I am at a loss, without any further light upon the subject, to understand why the change has been made.

Mr. CULBERSON. Mr. President, I do not think the substance of the section is changed by the amendment; but it was thought by the committee that the language employed by the committee was more direct. Instead of visiting on the officers the guilt of the corporation by the use of the word "deemed," the language in the amendment was proposed so that it would read:

That every director, officer, or agent of a corporation which shall violate any of the penal provisions of the antitrust laws—

That is, any corporation which shall do that—

who shall—

Referring to the director, officer, or agent—

have aided, abetted, counseled, commanded, induced, or procured such violation shall be deemed guilty of a misdemeanor.

This is the personal-guilt section of the bill. The committee thought that the language employed by the amendment was the more direct way of reaching the same result as that contemplated by the House provision.

Mr. CLAPP. That may be as to the officers, directors, agents, and so forth, but what I am inquiring about is, why insert the word "penal"? Why not let it read as the House had it:

Every director, officer, or agent of a corporation which shall violate any of the provisions of the antitrust laws,

Mr. CULBERSON. This is a criminal statute, and it only affects acts of a penal nature committed under the antitrust law of 1890 or any subsequent antitrust law.

Mr. CLAPP. That is just the trouble. I am not going to take the time of the Senate to discuss that question. I have felt a most intense sympathy with the Senator from Missouri [Mr. REED] in his long struggle to retain some force in this law by retaining penal provisions. I have not felt called upon to enter into the discussion, much as my sympathy was with him, because I have felt that it would be utterly useless, after the test vote that was taken yesterday afternoon, but section by section, as we go along here, we find this bill in its real, vital features emasculated.

I think the Senator from Missouri was well justified in saying that the trust magnates of this country might well rejoice at the progress that is being made in the development of this bill. We have gone on here and have taken out these penal provisions, and then, while we have heard it asserted upon the floor of the Senate that section 12 supplies the deficiency occasioned by taking out these others, we now find—which, of course, upon consideration, would appear evident—that it does not extend the scope of this section except where already some act is made a penal act, not only by prohibition but by penalty, for I think no one will challenge the correctness of my statement that, strictly speaking, a penal statute must be a statute combining a prohibition and a penalty.

It is not for me to address any admonition to anyone here. The ranks of those to whom I could appeal on a party basis are somewhat attenuative; but it does seem to me that, after passing the trade commission law—which I very much fear will prove to fall far short of being the effective instrument which some have hoped it would—now, in taking up the House bill, we have gradually eliminated these forceful features until all that is left is one provision relating to the making of patent contracts.

As I said before, I am not going to deliver any lecture or admonition; but it strikes me that there will be sore disappointment when the American people come to learn, after all this talk of a "trust program," that we have narrowed the thing down to leaving the trust offenders to the doubtful powers of the trade commission.

Mr. KENYON. Mr. President, the chairman of the committee has said that section 12 is the personal-guilt section; and I have heard it suggested in other parts of the discussion, as to other parts of the bill, that the personal-guilt question might be met by section 12. Now, as the Senator from Minnesota suggests—I do not know that he suggested this point, but I call it to his attention and to that of the chairman of the committee—section 12 does not apply to persons except as they may be connected with corporations.

Mr. CLAPP. Of course.

Mr. KENYON. So that section 12, if that is the personal-guilt section, does not in any way apply to individuals except as the individuals are officers or directors of corporations.

Mr. CLAPP. Mr. President, I briefly stated that in the broad statement I made that this did not broaden the penal provisions at all; but I did not state it so fully as the Senator is now stating it.

Mr. KENYON. Of course the penal provisions of the Sherman Act, sections 1 and 2, carry a penalty within themselves and are complete within themselves, and this section would add nothing to that.

Mr. CULBERSON. The Sherman Act provides the penalty where the corporation acts, and it is against the corporation. This provision penalizes the individuals who act for the corporation and is, as it has been very often termed, the personal-guilt portion of this bill.

Mr. KENYON. The Senator does not claim that section 1 of the Sherman Act does not penalize the individual?

Mr. CULBERSON. What I mean to say is this: Heretofore, under the Sherman Act, if a corporation were guilty of a violation of that act, the guilt of that corporation would not be visited upon the individual director or agent or officer who authorized or committed or induced the act. This section is intended to supply that deficiency and to visit upon the officers and agents of the corporation responsible for the conduct punishment for the act of the corporation.

Mr. KENYON. I think that is a good purpose, if it is carried out.

I only want to say just a word, Mr. President. I feel, with the Senator from Minnesota [Mr. CLAPP], that we are gradually dropping out the teeth of this measure. I want to vote for this measure, if it will do any good; but if, when we come to the conclusion of it, criminal section after criminal section or portion thereof is left out, I shall hesitate very much to vote for it.

I have a very great admiration for the hopeless fight that the Senator from Missouri [Mr. REED] seems to have been making. I have always believed that guilt should be personal; that the fining of corporations is nothing but a farce, as that fine is merely transferred to the consumer; but jail sentences are not farces, and jail sentences can not be transferred to the banks of the consumers.

Fines accomplish nothing. I have heard it said that criminal penalties made impossible the enforcement of the Sherman Act; that if we had a mere jail sentence without fine, which I have always favored, it would be impossible to convict. Mr. President, I believe it would be a good deal better if in this bill we got rid of the fines and if in the Sherman Act we got rid of the fines.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. Certainly.

Mr. JONES. I wish to ask the Senator in this connection if he does not think the fear of conviction and imprisonment would be a great deterrent of a violation of the law?

Mr. KENYON. There is no doubt about it. It has not been much of a deterrent if we could assume there had been any fear, for I think there has been little fear in the past, though the Senator from Kansas [Mr. THOMPSON] suggested that there had been no trusts formed under this administration at all, which may perhaps be because of the fear to which the Senator refers.

Mr. JONES. Of course heretofore they escaped punishment by a jail sentence, even though they might be convicted. They might be fined, and that would be the end of it.

Mr. KENYON. Yes; the fine is an absolute farce.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. Certainly.

Mr. POMERENE. If the sole penalty was a jail sentence, might there not be a great fear entertained by the Department of Justice that somebody would have to go to jail in the event of a prosecution, and therefore there might be no prosecution?

Mr. KENYON. That may find some basis in the mind of the Senator. Certainly he would not suggest it as to the present administration.

Mr. POMERENE. I am in entire sympathy with the view of the Senator from Iowa that a lot of these malfeasants ought to have been sent not to jail but to the penitentiary, and I think if that had been done in the earlier history of the Sherman law we would not have any trust question now to deal with.

Mr. KENYON. I know the Senator's view along that line, and it rather surprised me when he voted against the amendments of the Senator from Missouri [Mr. REED].

Mr. POMERENE. I did vote against several of those amendments because of this fact: The sections to which the penal provisions were added were rather indefinite and left the matter so largely to an administrative board that I doubted the wisdom of attaching a penalty to the statute in the form in which it is here. If it had been made specific, if it could have been made clear as to just what holding of stock might interfere substantially with competition, I should have felt differently about the penalty clauses.

Mr. KENYON. I remember the Senator was very earnest in his endeavor soon after entering the Senate to have the Standard Oil Co. prosecuted criminally for a violation of the Sherman Act, which Sherman Act, it seems to me, is just as uncertain as are the provisions of these other acts.

I rose, however——

Mr. POMERENE. I can not agree with the Senator on that phase of the question. It does seem to me that the provisions of the Sherman law are entirely clear, as clear as any statute can be made applied to the multifarious affairs of mankind. I do not think that these are so clear that there ought to be a penal feature attached.

Mr. KENYON. It seems to me they are fully as clear if not clearer than those provisions of the Sherman Act.

But I rose merely to say in explanation of whatever vote I may cast that I feel discouraged at the vote which has been cast on the various amendments of the committee striking out the criminal features of many of the sections. Party platforms have been declaring for years, as the Senator from Missouri says, and as most of us talked on the stump, of making guilt personal. Now, we have a chance to help do it. I do not believe we ought to handle the trusts or any of the elements entering into the trusts lightly or by a mere slap-on-the-wrist policy. It is not easy to convict them. Everybody knows that. But to-day there are convictions under the Sherman Act. Officers and directors of the Cash Register Co., for instance, have been convicted and a jail sentence imposed upon them, and that kind of business has more to do with restraining the formation of trusts and monopoly than anything else which could be done.

I shall vote all through the bill to retain the criminal features of the bill, and I hope it will be in such shape at its conclusion that something will be left in the bill to justify a vote for it.

Mr. MARTINE of New Jersey. Mr. President, this has been largely a lawyers' discussion, and yet the evil that comes from these vast organizations is not confined to lawyers. There are a good many lawyers, but there are a good many other people besides lawyers, who have seen the evil of this trust system. It is a fact, as we all know and it has been reiterated here many times, that my own Commonwealth has been the birthplace, the spawning pool, I may say, of trust organizations, and they have acquired fabulous riches in the main. Many of them live in my own midst. We saw the evil of it; and I have said while they spend money lavishly yet the great moral evil that is done through the acquisition of wealth and the methods of these gigantic trusts has been appealing to everybody who came into any contact with them.

I felt gratified when the opportunity came to me that I might have some little voice, and I will say just what I felt. I damned them a thousand times, and I have ached for an opportunity when I might in a tangible way vote to visit some real tangible punishment on them. I have sat here with the greatest discomfort, and I have voted with the greatest relish "nay," when many of my own good friends and my own colleague have voted "yea" to perpetuate this system, and it has been sad to me. I say the people of my Commonwealth, the people of this broad land, will not hold this body guiltless for simply salving over the sins of these corporations, with no penal provision, with no penalty that is tangible.

I do not think it is extravagant to say that I have heard the President of the United States a hundred times, when I have been stumping with him in our own little Commonwealth and at other times, say in most vociferous tones, "We want to establish personal guilt." I want to place these men behind the bars. It seems to me that is the only way punishment can be visited on them. As has been said, to visit a fine on the Standard Oil, what does it amount to? A quarter of a cent a gallon or less will outdo the fine a thousand times, and the poor seamstress sitting in yonder cottage sewing by the glimmer of a lamp pays the fine as she stitches her life away.

What is true of the Standard Oil is true of every other interest that is controlled by these great corporations.

I believe it would be the mistake of our day, the mistake of the Senate, and it will prove disastrous to public sentiment and disastrous to those who vote to perpetuate this sin and wrong. I shall vote for punishment for these men. I have no animus in my heart to punish a man simply for the sake of punishing him. I want that fairness and justice may be done. I want that these men henceforth shall see the way and steer clear of the evils if they do not want to be punished. If they do not want to be punished, all they have to do is to obey the law, and they will go as free as the free air of the universe.

I will vote for establishing the personal guilt and for the personal punishment of these men as I would vote for the punishment of a murderer. They have done the greatest possible wrong. They have dragged the ermine of the courts in the mire. They have fattened and grown rich on the tears, the miseries, and the sorrows of thousands of men and women. Oh, I plead, Senators, let this be the day of exterminating them. Let this be the day when we shall write in our laws and in the history of this country that the evil has passed from and beyond us henceforth forevermore.

Mr. JONES. Mr. President, I voted for the retention of the penal provisions of the bill not only because I am strongly in favor of such provisions for the many reasons given by those who have expressed themselves, but I also did it in the hope that if we retained them in the bill it would lead us to go on and make the provisions of various sections more definite and certain. For instance, I think that section 8 is almost meaningless, or if it does mean anything, that it impairs the efficiency of the Sherman law. So I was in hopes that if we could retain that penal provision the Senate would proceed to make that section clear and definite and make it mean something and make it accomplish something.

Personally I would like to see in these penalty provisions the word "or" stricken out, so as not to leave it discretionary with the court as to the amount of the fine and as to the term of the imprisonment, but make it so that anyone who may be tempted to violate this law will know very well that if he does it he will be convicted, and convicted with a penitentiary sentence or a jail sentence.

I think, of course, there is some force in the proposition that juries will not convict under such a condition of things, but the very existence of such a provision would prevent far more violations than the cases which would escape being prosecuted and convicted.

By section 12, as I understand the House provision, they intended to make any violation of the Sherman law by a corporation if the act was ordered or abetted by any officer of a corporation a misdemeanor. It does not make any difference what provision of the law might be violated under the conditions named that would be a misdemeanor.

I understood from the Senator from Texas the idea of the committee was practically the same thing, and they used what they thought was a little better language. If that is correct, then I think the word "penal" ought to be stricken out, because that does limit it in some way different from the House provision. The House provision is, "That whenever a corporation shall violate any provisions of the antitrust laws," whether they are penal provisions or whatever provisions they may be, and the Senate committee says whenever they shall violate "any of the penal provisions of the antitrust laws." There is certainly a very substantial difference between the House provision and the Senate committee provision in that respect. Mr. President, I desire to offer an amendment in line 8 of section 12 in the committee amendment, to strike out the word "penal."

Mr. CHILTON. Mr. President, it is with a good deal of interest and yet with some little irritation that those of us who have been investigating these questions for five or six weeks and have heard all sides of these matters thrashed out before the committee and within the committee see Senators endeavor to put a part of the Senate, who deem it wise to look at these amendments as a whole and not at each one as an isolated case, in a position antagonistic to proper punishment to be visited upon those who violate the law. I do not want to detain the Senate for more than a moment, but I wish simply to resent any such construction as that which may have been put upon the action of the committee.

Mr. President, it is easy to denounce a trust; it is easy to defeat a trust in any court in the land, either by a criminal prosecution or by a civil prosecution, if you have a case. It is easy to enact laws that make traps that will catch a trust. But owing to the fact, sir, that our jurisdiction extends only to those who may be engaged in interstate commerce, and the further fact that we have 48 States in the Union, setting a trap to catch trusts involves two difficulties. One of them is that we may invade the rights of the States, which they would resent. The second is that we may do more mischief to the little man who must be relied upon to transact the business of the country in the place of the trust than we will do to the trust. There may be power in interlocking directorates, but there is more power in the very size of the corporation which may be transacting business. There may be power in the ownership of stock in subsidiary companies, but it is nothing like so much power as is involved in the very fact of the great size and the fine organization of the trust.

You can take one man transacting business with $10,000 of capital. He must be at a disadvantage with a man having $10,000,000 of capital. The man with $10,000,000 of capital, without violating any law, can put the other man at a disadvantage.

If I understand those who scientifically endeavor to do something against the trusts, those who intelligently look at this question in a desire to meet this great evil, they want what? Not to destroy large business in this country or stop it, but to create competition, to fix it so that there is an incentive for the little man to come in and take the field or a part of the field which is now occupied absolutely by these gigantic corporations.

Now, let me give a little illustration. There was before us the other day—or, rather, he came to see me and other members of the committee—a man who represents an independent pipe-line company, one that the Standard has no connection with whatever. It is really furnishing an outlet for the oil of the independent operators, taking it to the southern market—the operator of the pipe line. He said that this bill as it came from the House would break up his business, and he convinced me that it would. His people control a pipe line. The pipe line was built to carry or convey oil. The oil was discovered and developed, and that made a necessity for the pipe line. Without either the other would be useless. The pipe-line company is interested in the oil production. Who on earth is going to build a pipe line unless he has something to put in it? Who would build a pipe line, costing millions of dollars, running hundreds of miles from the fields in Oklahoma down to some southern port—to New Orleans or to Port Arthur—and take the chance, the long chance, of somebody drilling oil wells or gas wells to furnish him a product to transport through the pipe line from which he can make a return upon his money? Of course, the pipe line comes after the oil is discovered and after the gas has been struck. The pipe line becomes a necessity after one has gotten the oil or the gas. Here is a great field that has been occupied heretofore, at least before the Supreme Court decision, by what we have termed the Standard Oil Co. If that be an evil to correct, for which all these tears are shed, we want to get at it intelligently, not to kill it and break up the oil business and not to break up the pipe-line business, but rather let us, in an intelligent and effective way, do something to create competition, so that you and I and our children hereafter may be permitted to engage in this business and not subject to be stricken, not only by interlocking directorates and the ownership of stock, but by the very power of the organization and the very power of its unification of capital and its perfection of organization.

If we are going to create competition, we must fix it so that the little man, right in the start, will not be hampered. If a man has a pipe line and has a product from oil or gas wells to go into it, if he can not form or buy or concentrate these little companies to give him a product upon which he can rely, he can not go into business in competition with the Standard Oil Co. The Standard now has gone forward and made its organization. It has made its situation. It has it now. If you do not allow the little oil operators and the little gas companies in some kind of a way to start in and make an organization, what are you going to do?

This question has been discussed here in relation to our strike. I can take you to West Virginia, where there are a hundred little coal operators. You call them here big coal operators, but put every one of them together and they do not amount to as much in production as one single operation that I can name. I can put my hand on four or five in the United States each one of whose combined product in coal amounts to more than every operation in the Kanawha (W. Va.) field; more than all in the Paint Creek field; more than all in the Cabin Creek field; more than all in the New River field; more than all in the Fairmont field; more than all in the Pocahontas field.

Now, what are you going to do? This business is conducted in certain well-known ways. The coal business consists not alone in the production of coal. It consists in finding a market for that coal and in transporting it to that market. You have to run a coal business in a large way. You must have docks and selling agencies.

Mr. President, the little coal operator of West Virginia is charged from 10 to 15 cents just to sell his coal. The big corporation can sell its coal for about 2 cents a ton. The difference between the 2 cents that it costs the big man to sell it, because he is big and because, without violating any law, he has organized his business, gotten it together in a legal way, and the 10 cents or 15 cents that it costs any little West Virginia operator to sell his coal is a big profit, and a profit that every operator in that State would be perfectly willing to take. Is that your idea of an intelligent solution of this great question? Would you fix it so that those small operators could not get together to have a sale agency or that one of them may not buy another interest, or when he would be willing to do so, may not buy some stock in another company? They can put three or four companies together, and by combining their selling agencies they would have an organization not one-half as big as one of these great corporations, yet this might take off some of the cost of selling and handling and producing the coal. The big concern buys the property outright. The small producer is not able to do so. Let us not make an honest effort at competition impossible. Recollect that the man who is opposing these little operators is already organized by virtue of his money, his wealth, his good sense or luck in combining his business. Are you going to paralyze the hand of the little man who wants to compete with him? That is the view that the Senator from Iowa [Mr. CUMMINS] has been presenting to you here. That was the view that was presented to the Committee on the Judiciary. We are asking you here to approach this question in a sensible and intelligent way. Do not waste the time of the Senate by trying to put somebody who looks upon both sides of this question in a position of defending any trust. I would wipe out every one of them in a minute if I could, but I do not want to wipe out the business of the United States.

What I want to do is to approach this question in all its forms, realizing that it is not easy. The great minds of this country have been dealing with it and they find it difficult. They find that these questions involve State rights. I, sir, am not yet satisfied that I have a right to go down and say to a

State. "You shall not incorporate a company, you shall not allow a company to be there and engage in interstate commerce that has stock issued in a certain way." I do not know but what the court will hold it to be beyond the power that is conferred upon us under the interstate-commerce law.

We have studied this question from every standpoint. Do we want to put little businesses all over this country in fear? Do we want them to stand trembling before they take a step? One man has a little coal company, with an output of, perhaps, 50,000 tons, another one of 100,000 tons, and another of 100,000 tons. That amounts to 250,000 tons. There is one corporation operating in the fields of West Virginia that produces 12,000,000 or 15,000,000 tons. He passes the cost of selling his product through 12,000,000 tons of coal. This little combination, owned by the little man who has probably come up from the mines and earned his property, has to pass the cost of selling through only 250,000 tons. The object was to curb the gigantic trust and encourage the small producer. We approached these questions with caution and with care and thought. We ought not to go out in an uncertain field and probably do greater injury to the little man than we could do in the way of correction against the big corporation.

Mr. President, the first and chief proposition that the people laid down to us and that all of us have agreed upon is that we will not touch a line or a section of the Sherman antitrust law. It must remain as it is. We had to consider certain things which have never of themselves been held to be a violation of that law, but which in connection with other things have been held to be a part of a conspiracy to violate it. We have started out upon the plan of stopping these things in their incipiency by the use of the injunction, by the use of the corrective hand of the trade commission. By this plan we can keep the trust hatchery from working in the future; but we fear that if we make all steps criminal offenses it may be construed to be, and might be to that extent, a modification of the Sherman antitrust law; and we do not want to do that. Certainly, whether it is or not, if we put in here an exception, we do not want to be, as I said this morning, engaged in that kind of legislation which might be called "legislative cancellation"; that is, to put a thing in the bill and then put in another section that shall cancel it. We want to adjust each step and try it, and by proceeding slowly let the Federal trade commission block out the way.

We want to stop interlocking directorates as far as we can. But we do not want to injure the small man in the savings bank. We do not want to injure the little coal operator or the little oil operator. We do not want to destroy or to frighten legitimate business. We do not want the little business man to come up trembling whenever he makes a contract. We are just trying to build up, if we can, a bulwark against these trusts. If the Federal trade commission shall say a thing is going too far, they can enjoin it and have the thing stopped. We do not meddle with the greater things that are already held to be under the Sherman antitrust law a crime. In that way we will proceed intelligently, having regard to all the ramifications and complications of American business. We must keep in mind that it is the little man in the end who must take care of the trusts by his own exertion and by building up a bulwark against them.

Mr. President, I am just as much an antitrust man as anyone here. I have no interest in any trust whatever, nor in anything that looks like one. I have engaged in this campaign against them, and I am proud of it. I want to wipe them all out, but I want to do it in an intelligent way, and I want the Senate to understand that we have pondered over these things prayerfully. We have done it day in and day out, trying to bring to the Senate a measure that would square with the intelligent, advanced uplift idea of meeting the greatest question before the American people. The trusts want time. Nothing gains time like litigation. The friend of reform must guard against untried expedients, and he must remember that the trust question is a condition, not a theory. Why shall we set a trap that may ensnare more legitimate than illegitimate business? The violation of the Sherman law is already a crime. This law does make crime personal. We have made the offense of a corporation also the offense of every officer aiding, abetting, or voting for the criminal act. But we can not make things crimes, punishable at once by imprisonment, which the world has long recognized as legitimate. We have made interlocking directorates illegal; holding of stock by one corporation in another illegal; but since these things have heretofore been considered proper and legal, we think it safe to administer this law through the trade commission, and where there is doubt let that commission first decide the question before business shall be punished. This law has teeth in it, all right. It will correct the evils at which it is aimed. After its passage legitimate business will take on renewed vigor. Only the dishonest corporations will stand in fear.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington [Mr. JONES] to the amendment of the committee. It will be stated.

The SECRETARY. Strike out the word "penal," in the committee amendment, where it appears on page 22, line 8, before the word "provisions."

Mr. JONES. I do not know how the committee feel with reference to this amendment. I do know, however, that when Senators come in here and are told that it is an amendment offered by Senator So-and-so they seem impressed with the idea that the committee is not favorable to the amendment. I want to suggest the absence of a quorum before we reach a vote on the amendment to the amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Martin, Va.	Shields
Bankhead	Hollis	Martine, N. J.	Simmons
Brady	Hughes	Norris	Smoot
Bryan	Johnson	Overman	Sterling
Burton	Jones	Owen	Swanson
Camden	Kenyon	Perkins	Thomas
Chamberlain	Kern	Pittman	Thornton
Chilton	Lane	Poindexter	Vardaman
Clapp	Lea, Tenn.	Pomerene	White
Culberson	Lee, Md.	Reed	Williams
Cummins	Lewis	Shafroth	
Gallinger	McCumber	Sheppard	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of absent Senators, and Mr. RANSDELL answered to his name when called.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present. Under the standing order of the Senate, the Sergeant at Arms will request the attendance of absent Senators.

Mr. DILLINGHAM and Mr. WEST entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present. The question is on the amendment offered by the Senator from Washington [Mr. JONES] to the amendment reported by the committee.

Mr. GALLINGER. Mr. President, before the vote is taken, I want once more to emphasize the situation in which we find ourselves. One House of Congress is apparently being run by the police force and the other House is losing almost half its time in drumming up absent Members. I have no power to make it otherwise, nor has any individual Senator; but it is an imposition that we are called here each day at 11 o'clock, while two days ago at the opening we spent 59 minutes in getting a quorum, and we average from 15 to 20 minutes each morning in that way. We lose valuable time, as we have just now lost it, in hunting up Senators who are, I suppose, engaged in business that interests them.

Personally, Mr. President, I have no responsibility for the condition that exists, but the situation impresses me as one that ought to be remedied. I do not know whether I shall vote for this bill or not, but I do want the debate to end and to have the bill voted on and determined by a majority of this body. I presume I ought not to say this, but I feel it so profoundly that I can not restrain myself from once more calling attention to a situation which, I repeat, ought to be remedied in some way.

Mr. CUMMINS. Mr. President, it seems to be assumed that those of us who believe that there are some regulations of commerce that can be better enforced by civil process than through indictment and trial in a criminal court are actuated by the desire to be tender of trusts and monopolies. I assume that every Senator has the same object in view, namely, the better regulation of commerce; and I assume that he desires to maintain what competition we have and to restore some of the competition we have lost.

I am not conscious of any desire to see people in the penitentiary; that is not my principal object. There was a time when England, I think, had more than 100 offenses that were punishable by death; and I have sometimes wondered how we escaped from that system of law. The proposition now made by the Senator from Washington [Mr. JONES] is directed, of course, to sections 8 and 9. If adopted it will have no other effect than to make the officers and directors of corporations

which violate the provisions of sections 8 and 9 criminally liable, although the Senate has just voted that the corporations themselves shall not be criminally liable.

Section 8 is not directed wholly against trusts. We already have a statute against trusts and monopolies. Section 8 forbids a corporation purchasing the stock of another and competing corporation. In my State, small as it is, is commercially, I venture to say that there are hundreds of little corporations which own some stock in other little corporations. I do not believe in the policy, and I desire to end it; but the suggestion that this controls and governs the big trusts and the great corporations which those Senators who have spoken have in view is entirely a misapprehension. It is a general readjustment of the commercial policy of the United States; it is an inhibition upon a policy that has been authorized by the laws of nearly every State in the Union. I want to change that policy; I think it is for the public good that it shall be changed; but because I do not believe that a corporation which may in the future purchase the stock of another corporation which it may believe honestly not to be in competition with it should be punished criminally, I hope will not be regarded as any evidence that I am not earnest and sincere in my desire to bring to justice through the criminal courts the obvious offenders against an acknowledged policy.

I would be perfectly willing to supplement the civil processes which we have provided for with a criminal process, if the offense was defined with that clearness and certainty which we always ought to observe before we denounce a citizen as a criminal. I assert again, as I asserted this morning, that I can not bring my conscience to the position that one who might be found to be an offender under section 8 should be punished criminally. I do not understand what it covers; I would be utterly unable to apply it with anything like certainty and with anything like a feeling that I had not misapplied it. I will not vote to make a man a criminal who may exercise an honest judgment upon a complicated and intricate and somewhat involved statute until somebody is given the authority to say to him, "This transaction is one which the law forbids."

I stated yesterday that if we were to appoint a tribunal, as we have appointed a tribunal in the bill already passed, to investigate these matters I would be willing, more than willing, anxious, to attach criminal punishment to the one who having been warned, who having been ordered to discontinue a practice that has been found to be unlawful under the statute, persisted in that unlawful course. There is something fair about that; but it hardly seems to me to be fair to put upon a citizen the hazard of determining at his own risk whether a corporation with which he is connected may lawfully purchase stock in another corporation, when the test is, first, does the purchase of the stock substantially lessen competition as between the two corporations, and to put upon him the necessity of applying the test, is the purchase of the stock of a subsidiary corporation forbidden by the law an extension of or belonging to the corporation of which he is a part?

I submit, Senators, that we must preserve some fairness in dealing with the people of this country, and I therefore can not vote to attach a criminal penalty to section 8 as it now is or to section 9 as it now is. I am opposed to both those sections on the ground that neither of them furnishes a rule of conduct, neither of them furnishes a standard that can be applied with that certainty that all criminal laws ought to be applied.

Let us see if my original statement is sustained by the facts, namely, that striking out the word "penal" in the proposed amendment of the committee would affect only criminal transactions under sections 8 and 9. The antitrust law which is one of the laws to which reference is made has a penal provision. There is attached to it a punishment for every violation of the law. Section 4 has a penal provision, and very properly so; it does describe an offense, a very serious offense, and one which, unfortunately, has been altogether too prevalent, and I voted to attach a criminal penalty to it. Section 12 as it now is makes the officers and directors and the agents of a corporation responsible, criminally, for every act committed by the corporation in violation of the antitrust law; it makes them criminally responsible for every act committed in violation of section 4, and the only other prohibitions against corporate actions in this bill are the prohibitions contained in sections 8 and 9. Therefore, when the word "penal" is stricken out, we have said that for any violation by a corporation of the provisions of sections 8 and 9 we render the officers, directors, and the agents of such corporations criminally liable. It can have no other effect.

If the Senate will do, as I hope it will do before we have finished this subject, reform sections 8 and 9 so that they mean something and so that those who are interested in their construction may reasonably know what they mean, then I will vote to attach a criminal penalty; but even then I would insist upon it being made supplemental to or at least to accompany the civil remedy worked out through the commission, just as the civil remedy under the antitrust law is worked out through the courts.

These are the reasons, Mr. President, that make it impossible for me to vote for the amendment proposed by the Senator from Washington.

Mr. WALSH. Mr. President, I feel impelled to say something along the line of the remarks just made by the Senator from Iowa [Mr. CUMMINS]. I appreciate very well that some degree of approval will be had in some quarters for those who vote for penalties in a bill of this kind for any and all violations of its terms, and I very much fear that some of my colleagues who are voting to incorporate these penalties do so rather unreflectingly.

At the common law, as has been stated here repeatedly, one corporation was not entitled to hold stock in another corporation. That was found very efficacious at the common law, although there was no penalty attached to the acquisition by one corporation of stock in another corporation. It was simply made unlawful, and no title at all to the stock was acquired by the transfer; and accordingly, at the common law, one company did not acquire stock in another company.

That rule still obtains in many of our States. It prevailed in my State until about five or six years ago, when an act was passed authorizing corporations to hold stock in other corporations. The act was roundly condemned by public sentiment in my State, and very justly so, because it was a departure from the rule of the common law when the drift of sentiment was against granting power to corporations to acquire stock in other corporations. That is to say, until five years ago no corporation in my State was entitled to hold stock in another corporation; but we did not have to affix any penalty to it. The law itself took care of it merely by the absence of a provision authorizing a corporation to hold stock in another corporation. The mere want of the power was sufficient to accomplish the entire purpose, and everybody can appreciate how it would be.

Here is a corporation that pays out $100,000 and acquires stock in another corporation, and under the law it has no power at all to hold that stock. It has no title to that stock. Any creditor of the original owner of the stock may go and levy an attachment upon it and seize it to satisfy any obligation he may have. In a contest over the election of the directors of a corporation holding stock of that character that stock can not be voted, because the corporation has no title at all to it, having no power to acquire stock.

Mr. President, if that policy never had been departed from, we would not have the difficulties that we are endeavoring to reach by this bill. Those individuals who desired to accumulate a vast number of corporations and then consolidate them into a great trust, or to have one corporation acquire the stock of half a dozen other corporations, simply incorporated under the statutes of some State, like the State of New Jersey, which tolerated that kind of thing. They did not come to Montana and organize under our law, because their organization would fall of its own weight. It would be a rope of sand that would fall to pieces.

So, Mr. President, if we did nothing more in this act than merely to declare that it should be unlawful for one corporation to acquire stock in another corporation, the two being competitors, we would probably then have a statute which would be entirely adequate to reach this evil.

Why, just think of it! Suppose we should leave our statute that way—"It shall be unlawful for one corporation to hold stock in another corporation"—how could a corporation be organized such as we seek to get at here? Do you imagine for a moment that anybody would organize a holding corporation and endeavor to put in that corporation the title to the stock of half a dozen competing corporations? He could not acquire the stock at all in the face of a statute declaring a thing of that kind unlawful, and the projectors simply would not risk their money in an enterprise of that character.

I am sorry the Senator from Missouri [Mr. REED] seems to have gone away. But, Mr. President, we not only do that in this statute; we not only say to every man who desires to organize a trust or a combination of this character, "You can not get any title at all to stock of that character," but we further go on and say, "If you actually do get it, you are liable to be haled before the Federal trade commission, if you are not brought to book in any other way, and have the stock taken away from you."

So we have accomplished by the provisions of this bill all that it is necessary to do in that regard without the imposition of any penalties; and in the imposition of the penalties we go further than the common law went, when upon all hands it was conceded that it was entirely efficacious to prevent the accomplishment of the wrongs which we seek to redress here.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. JONES].

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I again announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER], and in his absence I withhold my vote.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "nay."

Mr. FLETCHER (when his name was called). I make the same announcement as before as to my pair and its transfer and vote "nay."

Mr. GALLINGER (when his name was called). Transferring my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Vermont [Mr. PAGE], I vote "nay."

Mr. GORE (when his name was called). I desire to announce my pair with the junior Senator from Wisconsin [Mr. STEPHENSON]. I withhold my vote, but I desire to be counted as present.

Mr. HOLLIS (when his name was called). I announce my pair and withhold my vote.

Mr. JOHNSON (when his name was called). I announce my general pair with the junior Senator from North Dakota [Mr. GRONNA] and withhold my vote. I wish to be recorded as present.

Mr. OWEN (when his name was called). If necessary to make a quorum, I have the right to vote. I withhold my vote until that is ascertained.

Mr. SMITH of Georgia (when his name was called). I have the right to vote in case it is necessary to make a quorum. I will vote, and withdraw my vote if necessary. I vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from New York [Mr. ROOT] to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

The roll call was concluded.

Mr. LEA of Tennessee. I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. HOLLIS. I inquire whether a quorum has voted?

The VICE PRESIDENT. Not yet.

Mr. HOLLIS. Under the terms of my pair I have a right to vote in that event. I vote "nay."

Mr. OWEN. I vote "nay."

Mr. WILLIAMS. I desire to be recorded as present to constitute a quorum.

The result was announced—yeas 18, nays 31, as follows:

YEAS—18.

Ashurst	Jones	McCumber	Sterling
Borah	Kenyon	Norris	Thompson
Brady	Lane	Reed	Vardaman
Clapp	Lee, Md.	Shafroth	
Fall	Lewis	Sheppard	

NAYS—31.

Bankhead	Hollis	Overman	Smoot
Bryan	Hughes	Owen	Swanson
Camden	Kern	Perkins	Thomas
Chilton	Lea, Tenn.	Pittman	Thornton
Culberson	McLean	Pomerene	Walsh
Cummins	Martin, Va.	Ransdell	West
Fletcher	Martine, N. J.	Simmons	White
Gallinger	Myers	Smith, Ga.	

NOT VOTING—47.

Brandegee	Goff	Oliver	Smith, Mich.
Bristow	Gore	Page	Smith, S. C.
Burleigh	Gronna	Penrose	Stephenson
Burton	Hitchcock	Poindexter	Stone
Catron	James	Robinson	Sutherland
Chamberlain	Johnson	Root	Tillman
Clark, Wyo.	La Follette	Saulsbury	Townsend
Clarke, Ark.	Lippitt	Sherman	Warren
Colt	Lodge	Shields	Weeks
Crawford	Nelson	Shively	Williams
Dillingham	Newlands	Smith, Ariz.	Works
du Pont	O'Gorman	Smith, Md.	

So Mr. JONES's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. The question now recurs on the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment of the committee.

The SECRETARY. On page 22, line 10, after the word "deemed," it is proposed to insert the words "guilty of," so as to read "shall be deemed guilty of a misdemeanor," and so forth.

Th amendment was agreed to.

The SECRETARY. On page 23, line 15, after the word "laws," the committee proposes to insert the words "including sections 2, 4, 8, and 9 of this act."

Mr. CULBERSON. I move to amend the amendment by striking out the word "two," as that section has been stricken from the bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. On page 23, line 23, after the word "issue," the committee proposes to strike out the colon and the proviso, all down to and including the words "Interstate Commerce Commission," in line 6, page 24.

Mr. REED. Mr. President, the clause proposed to be stricken out was not read. I ask that it may be read.

The SECRETARY. It is proposed to strike out the following words:

Provided, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit in equity for injunctive relief against any common carrier subject to the provisions of the act to regulate commerce, approved February 4, 1887, in respect of any matter subject to the regulation, supervision, or other jurisdiction of the Interstate Commerce Commission.

Mr. REED. Mr. President, my purpose in calling attention to that section was to state that later I intend to offer an amendment expressly conferring upon the several attorneys general of the States the right to bring suit to enforce this trust act and to bring it in the name of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. On page 24, line 13, after the words "result to," the committee proposes to strike out the words "property or a property right of," so as to read:

No temporary restraining order shall be granted without notice to the opposite party unless it shall clearly appear from specific facts shown by affidavit or by the verified bill that immediate and irreparable injury, loss, or damage will result to the applicant—

And so forth.

Mr. ASHURST. Mr. President, I am opposed to striking out the words in line 13, section 15, which are proposed to be stricken out. I would offend the proprieties and offend the intelligence of Senators if I stated the reason why. I take it that most of the Senators have studied the bill more closely than I have; but I do ask for a vote on the question of striking out those words.

The VICE PRESIDENT. Does the Senator request the yeas and nays?

Mr. ASHURST. I think I will ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BORAH. May I ask if this is an amendment proposing to strike out?

The VICE PRESIDENT. The amendment is to strike out, on page 24, line 13, the words "property or a property right of." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I again announce my pair and withhold my vote.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. GALLINGER (when his name was called). Making the same transfer as on previous votes to-day, I vote "yea."

Mr. LEWIS (when Mr. GORE's name was called). I desire to announce a pair existing betwen the junior Senator from Oklahoma [Mr. GORE] and the junior Senator from Wisconsin [Mr. STEPHENSON], and to have this announcement remain for the day.

Mr. JOHNSON (when his name was called). I again announce my pair and withhold my vote.

Mr. THOMAS (when his name was called). I again announce the transfer of my pair with the senior Senator from New York [Mr. ROOT] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. WALSH (when his name was called). I transfer my pair as heretofore and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Being unable to get a transfer of the pair, I must withhold my vote. If I were at liberty to vote, I would vote "yea." Furthermore, I announce that if necessary to constitute a quorum I will vote "yea" anyhow.

The roll call was concluded.

Mr. HOLLIS. I vote "yea," understanding that it is necessary to make a quorum.

Mr. LEA of Tennessee. I make the same announcement as heretofore as to the transfer of my pair and vote "yea."

Mr. OWEN. I wish to inquire whether a quorum has voted?

The VICE PRESIDENT. A quorum has not voted.

Mr. OWEN. Then I have the right to vote. I vote "yea."

The result was announced—yeas 36, nays 14, as follows:

YEAS—36

Bankhead	Hollis	Perkins	Smith, Ga.
Borah	Hughes	Pittman	Sterling
Bryan	Kern	Pomerene	Swanson
Camden	Lea, Tenn.	Ransdell	Thomas
Chilton	Lee, Md.	Reed	Thompson
Culberson	Lewis	Shafroth	Thornton
Fall	Martin, Va.	Sheppard	Vardaman
Fletcher	Overman	Shields	Walsh
Gallinger	Owen	Simmons	West

NAYS—14.

Ashurst	Jones	Myers	Smoot.
Brady	Kenyon	Norris	White
Clapp	Lane	Poindexter	
Cummins	Martine, N. J.	Smith, Mich.	

NOT VOTING—46.

Brandegree	Goff	Newlands	Smith, S. C.
Bristow	Gore	O'Gorman	Stephenson
Burleigh	Gronna	Oliver	Stone
Burton	Hitchcock	Page	Sutherland
Catron	James	Penrose	Tillman
Chamberlain	Johnson	Robinson	Townsend
Clark, Wyo.	La Follette	Root	Warren
Clarke, Ark.	Lippitt	Saulsbury	Weeks
Colt	Lodge	Sherman	Williams
Crawford	McCumber	Shively	Works
Dillingham	McLean	Smith, Ariz.	
du Pont	Nelson	Smith, Md.	

So the amendment of the committee was agreed to.

Mr. WALSH. Mr. President, I hesitated about making an explanation on behalf of the committee of the reason for the taking out of this language until the yeas and nays were called for. If the Senate will pardon me for just a moment, I desire to say that section 15 deals with the subject of injunctions generally. It is provided there that no preliminary injunction shall be issued except in cases involving property and property rights. Of course, you might desire an injunction in a case not involving a property right. You might desire an injunction in a case involving a political right. You might desire an injunction to restrain the taking of a child out of the jurisdiction of the court. You might desire an injunction for many other purposes than to protect property. However, section 18 deals with controversies between employers and employees, and in that section it is provided—and the committee left that—

That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right.

Mr. POMERENE. Mr. President, if I may ask the Senator from Montana a question, I note that section 18, to which he has referred, provides for the issuance of a restraining order to prevent irreparable injury to property or to property rights. Suppose there was threatened personal violence or that actual personal violence or discomfort was in progress; was it the intention of the committee that in such a situation as I have indicated the person could not be protected against the personal violence or personal discomfort, but at the same time you protect property against irreparable injury?

Mr. BORAH. Mr. President, we can add further to that proposition. Suppose a man desires to avail himself of the injunctive process of a court and is so unfortunate in this world as to have no property; is he to be deprived of the equity power of the court because he has no property to protect, although he may in person be molested in every conceivable way? Are the nonproperty class of our citizens, pretty large and growing larger, to be put in a class and ostracized from our courts of equity as to the injunctive relief which they are authorized to grant to those who have property?

Mr. POMERENE. The question of the Senator from Idaho is very pertinent. That one matter has caused me a great deal of trouble in trying to determine it.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The SECRETARY. In section 15, page 24, line 14, after the word "notice," strike out "could" and insert "can."

The amendment was agreed to.

The SECRETARY. In the same line, after the word "served," strike out the word "or" and insert the words "and a."

The amendment was agreed to.

The SECRETARY. On page 24, line 21, after the word "fix," insert the words "unless within the time so fixed the order is extended for a like period for good cause shown, and the reasons for such extension shall be entered of record."

The amendment was agreed to.

The SECRETARY. On page 25, line 6, strike out the word "his," the first word in the line, and insert "the."

The amendment was agreed to.

The SECRETARY. On the same page, line 7, after the word "dissolve," strike out "his" and insert "the."

The amendment was agreed to.

The SECRETARY. In section 16, page 25, line 23, after the word "That," strike out the comma and the words "except as otherwise provided in section 14 of this act."

The amendment was agreed to.

The SECRETARY. In section 17, page 26, line 11, after the word "their," at the end of the line, insert "officers."

The amendment was agreed to.

The SECRETARY. In page 26, line 13, after the word "concert," insert the words "or participating."

The amendment was agreed to.

The SECRETARY. In section 18, page 27, line 4, after the word "persons," insert "whether singly or in concert."

The amendment was agreed to.

The SECRETARY. In line 7, after the words "so to do" and the semicolon, strike out the words "or from attending at or near a house or place where any person resides or works or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information."

Mr. ASHURST. Mr. President, on page 27 lines 7 to 10 are proposed to be stricken out. The subject comprehended in those lines has been widely discussed in the Senate. The origin was traced to the act of December 21, 1906, of the British parliamentary enactments. It would be a work of supererogation for me or any other Senator to say anything further in favor of the subject. I ask for a vote by a roll call upon the amendment striking out the words.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I again announce my pair, and in the absence of a transferee I withhold my vote.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). I announce my pair and transfer as before, and vote "yea."

Mr. GALLINGER (when his name was called). Making the same transfer of my pair as previously announced, I vote "yea."

Mr. LEA of Tennessee (when his name was called). I again announce my pair and its transfer, and I vote "nay."

Mr. THOMAS (when his name was called). I again announce my pair and the same transfer and vote "yea."

Mr. WALSH (when his name was called). Again transferring my pair as heretofore announced, I vote "nay."

The roll call was concluded.

Mr. JOHNSON. I again announce my pair and withhold my vote.

Mr. OWEN. I would like to ask whether a quorum has voted?

The VICE PRESIDENT. The Chair is going to make a statement now in order to settle the question and to make a ruling. Rule XII provides that—

When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the presiding officer.

The Chair rules that hearing the number of votes that have been cast for or against a proposition, if the same does not constitute a quorum of the Senate, it does not constitute a decision upon the part of the Chair that the amendment has been lost or that the amendment has been carried. The Chair rules that Senators in the Chamber who have a right to vote, if the vote does not disclose a quorum, have a right to vote before the Chair decides the question. On the amendment the yeas are 32 and the nays are 15. The Senator from Oklahoma.

Mr. OWEN. I vote "yea."

Mr. NEWLANDS. I vote "yea."

Mr. THOMAS (after having voted in the affirmative). The Senator from Nevada [Mr. NEWLANDS] having entered the Chamber and voted, I desire to withdraw my vote.

The VICE PRESIDENT. The yeas are 33, the nays 15, and Senators CHAMBERLAIN and JOHNSON having announced their pairs and being present in the Senate, the Chair declares the amendment carried.

The vote by yeas and nays, the result of which was announced by the Vice President, was as follows:

YEAS—33.

Bankhead	Gallinger	Owen	Smith, Mich.
Borah	Hughes	Perkins	Smoot
Bryan	Jones	Pomerene	Sterling
Camden	Kenyon	Ransdell	Swanson
Chilton	Martin, Va.	Reed	Thornton
Culberson	Myers	Shafroth	West
Cummins	Newlands	Shields	
Fall	Norris	Simmons	
Fletcher	Overman	Smith, Ga.	

NAYS—15.

Ashurst	Lea, Tenn.	Pittman	Vardaman
Clapp	Lee, Md.	Poindexter	Walsh
Kern	Lewis	Sheppard	White
Lane	Martine, N. J.	Thompson	

NOT VOTING—48.

Brady	du Pont	McLean	Smith, Md.
Brandegee	Goff	Nelson	Smith, S. C.
Bristow	Gore	O'Gorman	Stephenson
Burleigh	Gronna	Oliver	Stone
Burton	Hitchcock	Page	Sutherland
Catron	Hollis	Penrose	Thomas
Chamberlain	James	Robinson	Tillman
Clark, Wyo.	Johnson	Root	Townsend
Clarke, Ark.	La Follette	Saulsbury	Warren
Colt	Lippitt	Sherman	Weeks
Crawford	Lodge	Shively	Williams
Dillingham	McCumber	Smith, Ariz.	Works

So the amendment of the committee was agreed to.

Mr. CUMMINS. In order that the subject may not be forgotten or lost sight of, I desire to say that at the proper time I intend to offer an amendment to take the place of that which has just been stricken out, and I will read it:

Or from attending at any place where any such person or persons may lawfully be for the purpose of peacefully obtaining or communicating information.

I make this announcement because Senators might think that the whole subject had been disposed of.

Mr. REED (to Mr. CUMMINS). Offer it now.

Mr. CUMMINS. I do not understand that I am at liberty to offer it now.

Mr. REED. I think so. Mr. President, a parliamentary inquiry. The language just voted upon having been stricken out, is it not now in order to offer other language to take its place?

The VICE PRESIDENT. Not at the present time. If the amendment had been to strike out and insert, it would have been in order, but it was not so treated. The Secretary will proceed to state the committee amendments in their order.

The SECRETARY. In section 18, page 27, line 10, at the end of the line, after the word "or," strike out "of" and insert "from."

The amendment was agreed to.

The SECRETARY. On line 12, after the word "from," strike out the words "ceasing to patronize or to employ" and insert "withholding their patronage from."

The amendment was agreed to.

The SECRETARY. On line 15, after the word "peaceful," insert the words "and lawful."

The amendment was agreed to.

The SECRETARY. In line 18, after the word "assembling," strike out the words "at any place."

The amendment was agreed to.

The SECRETARY. In line 22, after the word "held," strike out the word "unlawful" and insert "to be violations of the antitrust laws."

Mr. REED. Mr. President, there is a great deal of objection to this change. The provisions of the section we are just now considering are aimed at the limitation of the power of injunction with reference to certain things. I do not intend to pause to argue the question as to whether the section itself is wise or unwise. I will simply say in passing that I have favored it, but those matters dealt with concern labor organizations and laboring men, and we propose to give them the unqualified right to terminate their relation of employment, to cease from work, and to recommend or advise others by peaceful means so to do.

We propose to give them the further right of "peacefully persuading any person to work or to abstain from working," and the further right of "withholding their patronage from any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do," and the further right of "paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value," and the further right of "peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

Mr. President, those are specific things we are dealing with. We are conferring a specific right and nothing else, and in order to cover the question by a general clause the House added the language limited now to the particular things which we are proposing to stipulate may be done. I quote:

Nor shall any of the acts specified in this paragraph be considered or held unlawful.

That language is properly there, because we are making the acts lawful; we are specifying the particular acts. The committee, after a good deal of debate, substituted for the word "unlawful" the words "to be violations of the antitrust laws." The words "nor shall any of the acts specified in this paragraph be considered or held to be violations of the antitrust laws" seem to imply that they might be violations of some other law, although we have already declared them to be lawful.

In my opinion the bill would much better conserve the rights we have above specified if the phrase "nor shall any of the acts specified in this paragraph be considered or held to be violations of the antitrust law" were left out entirely, because, as it is written, it amounts to a limitation upon the preceding words instead of an expansion or a fortification of the preceding words

Mr. CHILTON. Mr. President——

Mr. REED. Just one moment. My desire is—and I shall vote accordingly—to retain the language as it came to us from the other House. Retained as it comes to us from the House the final clause would read:

Nor shall any of the acts specified in this paragraph be considered or held unlawful.

It would amount to a reaffirmation of the language which precedes it; it would be a general clause embracing it; and I think the bill would be better in that form.

Mr. CHILTON. Mr. President, I will not ask the Senator from Missouri a question, but I will take the floor in my own right for just one observation.

As the Senator says this clause deals with nine different acts; but it legalizes nothing, and is not intended to legalize anything. This section simply deals with the jurisdiction or power of the Federal courts. So far as I am concerned, I am not so particular about that, because, being a citizen of West Virginia, I must bring my suit in the State courts. So must all the other million and a half of people of my State. All that this provision does is to prevent, in certain specified cases, nonresidents of West Virginia from bringing suit in the Federal courts of West Virginia to enjoin certain things. I speak, of course, from my standpoint. That applies, of course, to every other State. We simply say that because of certain abuses of the right of injunction well known and often discussed, we see fit to limit that right in these nine specific instances where labor disputes may be involved.

Mr. President, I want to call the attention of the Senator from Missouri to a statement which he made that was so general that I think when his attention is more particularly drawn to the provisions of this section he will modify the position which he has announced. The demand of labor organizations is intended to be met in this section. I say frankly that is what it is intended to be done, and it was granted, thoroughly understanding that fact; we do not want to deceive the country or the people. We felt that there have been abuses in this matter and that we ought to grant this relief. No one, however, asked us to declare that anything should be lawful unless we had power to say so. We have not any power to declare things lawful or unlawful in the States; but we have the power to deal with the jurisdiction and the practice in the Federal courts. We have the right to limit the writ of injunction in the Federal courts. We can not declare a certain act to be unlawful in a State; we can not declare an act lawful in a State.

The agitation resulted from the fear of labor organizations that they would be brought under the Sherman antitrust law or under these proposed antitrust laws, and be thereby declared illegal. This section says that that shall not be done by a Federal court. That is as far as we can go. For instance, take one of these inhibitions, No. 7, as I have numbered them. We prevent the Federal courts—

from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value.

We have nothing to do with whether the labor organization would withhold such benefits rightfully or wrongfully. We simply say that the Federal courts shall not have the power

to deal with that subject by injunction; but if the amendment is not agreed to and we merely leave in the word "unlawful," then we say that even though the labor organization might withhold the benefit wrongfully and the beneficiary be a nonresident, he can not sue for it in a Federal court, and no Federal court would have power to say thereafter that it had been unlawfully withheld, although it might have jurisdiction of the law case brought by the man who is entitled to the money.

Let me see if my meaning is clear. Here is a labor organization which withholds strike benefits from a nonresident citizen who would now have the right to go into the Federal court. Shall we say in this section that in a suit properly brought to recover the money no Federal court shall have the right to hold that act of the labor organization unlawful? We do not mean to say that; we do not need to go that far. We simply mean to say that labor organizations shall not be brought under the ban of the antitrust laws or of the laws of the United States. That was all that was asked and all that was contended for.

This might apply to other things. It might be that a citizen would have a right to complain because of some of the other acts mentioned here, and jurisdiction of his complaint might lie in a Federal court. That law should not be that as to any kind of litigation involving any kind of a right of any citizen in a State, even though it be conceded that the act complained of was unlawful and that it did take from a man a right, he shall not sue for it in the Federal court. The purpose of the law is not to declare that in an injunction suit or a lawsuit or in any other kind of litigation a Federal court can never hold that the act was unlawful. That would be to invade the rights of the States and to create needless and class legislation. It does seem to me that language would be going too far.

I will go as far as anybody here to break up what has been alleged to be a wrongful handling of labor disputes by Federal courts. So far as I am concerned, if I become involved in litigation growing out of a labor dispute in West Virginia, I have to go, and the other 1,500,000 people of West Virginia have to go, into the State courts. This provision will not prevent a nonresident who has a litigation with the labor people from going into the State courts of West Virginia. He can do as I have to do and as the other 1,500,000 people of West Virginia must do; that is, apply to the State courts.

I am not very particular about preserving this right for a few foreign corporations or a few foreigners who might happen to come to West Virginia; I do not think I am violating any public duty when I restrict them in this respect, recognizing, as I do, that Federal courts have in some instances gone further than the public conscience would permit them to go; but to ask me still further to say that under all circumstances the nine acts mentioned in this section shall by a Federal court be held to be lawful, no matter whose rights may be involved, that no matter how the question may arise, in suits in equity or actions at law or criminal prosecutions, they shall be in all respects lawful in the Federal jurisdiction, is not my conception of a just demand. It does seem to me that is going too far and is going further, even, than the labor people have asked us to go.

Mr. REED. No, Mr. President; the labor people have very distinctly asked and very urgently asked for a restoration of this language as it came from the other House. There can be no disputing that fact.

The Senator very artfully argues that if we say in this bill that the acts enumerated shall not be held to be unlawful, that would sometimes prevent the collection by somebody of a strike benefit. If he is really alarmed about that, I call his attention to his own statement that the courts of West Virginia will still be open, and nothing that we can do here will take away the right of the man entitled to $4 a week strike benefits to sue for them in those courts if he wants to do so.

Mr. CHILTON. If the Senator will allow me to interrupt him there, that is quite true. The answer of the Senator, so far as it goes, is perfectly proper and tenable; but, by the same sign, if that be true, what right have we to say that a thing which is lawful in a State shall be unlawful?

Mr. REED. We can not say that. Nothing we can say in this bill will deprive a State court or a State legislature of any of its authority. All that we can do is to deal with Federal courts and Federal procedure and Federal law.

Mr. CHILTON. With all respect to the Senator, is not that an artful answer?

Mr. REED. No.

Mr. CHILTON. If we have no jurisdiction to declare a thing unlawful, by what right shall we do so?

Mr. REED. Well, we are not undertaking to declare it unlawful, except in so far as we do have jurisdiction. We do have that jurisdiction when we deal with certain particular questions, and just so far as the Government's authority goes it will be declared unlawful, but it does not mean that it shall be held to be unlawful where the Government's authority does not extend. To illustrate, we have authority here to pass certain laws and we do pass them, but we do not add "this shall not affect the laws of other countries." Our law is limited by the jurisdiction which obtains on behalf of the Federal Government. So that when we use the term "shall not be declared unlawful," that can affect nothing except those matters about which the Federal Government has the right to legislate.

Mr. CHILTON. Let me ask the Senator one other question right there. Among other things, we say in this section that an injunction shall not be used to prevent anyone "from recommending, advising, or persuading others by peaceful" and lawful means to quit work.

Suppose one coal operator might advise the men of another coal operator to cease work; suppose that that should involve a loss to the second coal operator—it is a matter in which labor is not interested one way or the other—and the latter should afterwards sue for damages for that act; is it possible that we want to say here that in no Federal court shall that act ever be held unlawful, or, in other words, that a suit could not be instituted to recover damages occasioned in that way? If that act can not be held to be unlawful, it can not be held that the aggrieved party is entitled to recover damages. It does seem to me now, when we think it over a second time, that we are going a little too far and are doing what we really have not a right to do.

Mr. REED. I call the Senator's attention to the fact that some of the injunctions issued by Federal courts in this country that have been most loudly complained against have not been issued under the Sherman law at all.

Mr. CHILTON. Oh, certainly not; that is what I am talking about.

Mr. REED. When we provide that injunctions shall not issue, and then we undertake to add this qualifying clause:

Nor shall any of the act specified in this paragraph be considered or held to be violations of the antitrust laws—

By implication we say that they might be held to be violations of other laws under which the Federal courts have already acted and issued injunctions of a very drastic nature.

Mr. CHILTON. I think not. We say that a Federal injunction shall not extend to these nine enumerated acts. Then we add a substantive provision, totally independent of that, that none of those acts shall be held to be violations of the antitrust laws.

Mr. SHIELDS. Mr. President, I wish to ask the Senator a question to see if I understand this proposition.

Mr. CHILTON. I yield to the Senator with pleasure.

Mr. SHIELDS. Section 18 is not for the purpose of enacting any substantive law, but is to limit the operation of injunctions issued by Federal courts, as I understand.

Mr. CHILTON. That is right; clearly so.

Mr. SHIELDS. The concluding part of the last sentence, from the semicolon on, does, however, relate to substantive rights, as I understand the Senator?

Mr. CHILTON. Yes.

Mr. SHIELDS. It provides that certain things shall not be unlawful; therefore they shall be lawful. We must bear in mind that section 18 has no reference to interstate commerce and is not authorized by the commerce clause of the Constitution. The acts which section 18 provides shall not be enjoined in the Federal courts do not concern interstate commerce or any subject over which Congress has jurisdiction.

Mr. CHILTON. Certainly; we are dealing with the jurisdiction of the courts which we have created.

Mr. SHIELDS. I understood the Senator then correctly.

Mr. CHILTON. Absolutely.

Mr. SHIELDS. Then, are we not endangering the constitutionality of the section when we are proposing to legislate upon a subject over which we have no power? We do not want to endanger the validity of this section by legislating upon a subject beyond the power of Congress. This particular section covers both intra and inter state acts, and under the case in Two hundred and seventh United States, the first employers' liability act case, it would be invalid. I think this is a matter to which we ought to give careful attention. We do not want section 18 to be declared invalid.

Mr. CHILTON. No; we do not. However, I would be of the opinion that this would be such a separable matter that even if the court should declare part of it without our power it could sustain the other part of the section. I am not so sure about that, but I would be inclined to view it in that way.

Mr. SHIELDS. I wish to refresh the Senator's mind. My recollection of why the Committee on the Judiciary struck out

the word "unlawful" and inserted the words "to be violations of the antitrust laws" was that Congress has power over that subject but not the jurisdiction to say all these things shall be unlawful.

Mr. CHILTON. That was one of the considerations. I think the Senator is right.

The exceptions which we have made have been attacked on the ground that this is class legislation. I do not think so. He who looks to the future for the best that is in us as a Nation and a people must recognize that force can not bring labor and capital together. The recent happenings in many of the States must warn us that when this country shall be divided into two warring camps, then the Federal injunction is impotent. The time is near at hand when the best that is in every man will be demanded. As the "rule of the people" shall bring greater responsibilities to each citizen, so will his better impulses and higher motives guide and direct him.

Hide it as may be done, it is nevertheless true that there is a feeling among laborers and the people generally that their Government is not near enough to them. They want to participate more in everything that concerns their Government. This demand will soon be granted in every State. The Federal injunction is looked upon with a great deal of disfavor. Right or wrong, this fact must be kept in mind. No injunction can settle a labor dispute when it assumes proportions such as those conflicts which have recently threatened industry. There is no way to change man's nature by laws, injunctions, or arrests. The world is recognizing organized labor, and there is no use to attempt to fight the judgment of civilization. We must deal with this subject as it is, and there is no power that can take from its consideration the fact that millions of men are organized, and that the question of women and children and the demands of every prompting of humanity will enter into its solution. I want to see these industrial wars come to an end. I am not afraid to say that I want labor to have a fair share of the income of industry.

This country must look for relief for him from that desolation which finds him in his old age without means and without strength to work. The first thing to do is to treat labor as a human agency and not as a commodity. Whether the laborer works or not, he is a human being, a citizen, a voter, a part of this Government. He resents an injunction by wholesale in a labor dispute, if it be issued by a Federal court. It is needless to inquire why, and all sufficient to know that such is the fact. I want to restrict these Federal injunctions and relegate as far as possible everything in these labor disputes to the State courts. A better understanding, a getting together, will be the result. An American who feels that he is mistreated is a dangerous thing to deal with, but give him a fair chance to be heard, permit him to discuss his grievance, and you have a compromising citizen who is put upon his responsibility to do right, and then he will do right. Both sides to these disputes must realize that the country has rights and that society demands industrial peace. This law does not go so far as England and Australia have gone in recognizing the difference between the human machine and property rights. Surely free America wants to be in the lead in recognizing manhood. I have studied this question from every standpoint, desiring only to be right and to take the course which will best tend to bring industrial peace. There was little disagreement in the Judiciary Committee as to the provision reported. It is clearly right, and should not be opposed. The proposed amendment to reinsert the word "unlawful" is a mistake. I would be willing to vote for an amendment that would say "unlawful under the laws of the United States," and that is as far as we can go, in my judgment.

Mr. THOMAS. Mr. President, I do not like to take up the time of the Senate at this late hour in any extended discussion of section 18, and I promise the Senate that I shall not do so.

I have been very much interested in the remarks of the Senator from Missouri [Mr. REED] and those of the Senator from West Virginia [Mr. CHILTON] concerning the first clause of this section, and I have given it a great deal of personal consideration. I am unable, however, to coincide with the view of the Senator from Missouri, for whose opinion I have the highest respect, that the clause of section 18, upon page 27, declares in substance, or at all—unless you take the last clause of the sentence—that the acts and things which are exempt from the operation of the Federal injunction are in themselves lawful or that the statute makes them lawful. Of course the last clause of the sentence as it came over from the House does assume to do so; but if that clause were not added to the sentence at all, then surely the only effect of this sentence would be to prevent the extension of the Federal writ of injunction over and inclusive of them, and nothing more.

The Senator also said, and I wish to call his attention to this particularly, that these exemptions—of course I do not pretend to use his exact language—were designed to reach and cover certain claims or desires of labor organizations and to relieve them from the operation of existing laws, which have frequently been abused through the injunctive processes of the Federal courts. Now, I have no doubt this legislation originated from that source; but that, as drawn, it is confined to the purposes enumerated seems to me to be a wholly untenable proposition.

I have heard this section spoken of as class legislation. If it were class legislation, it would be open, perhaps, to a great many objections; but I am unable to perceive that it is class legislation at all, as it would be if it were confined to and designed for the benefit of some specific portion of the community or some specific organizations of the community.

It seems to me that as drawn this section in its operation may result in defeating the purpose of the entire bill. If we turn to the first section, we find the word "person" construed as embracing "corporation." Wherever the word "person" occurs in the bill I think it may be safely assumed, because of the definition on page 2, that it includes corporations and associations. Hence the words "person or persons" on the fourth line of page 27 mean corporations or associations as well as individuals, and the paragraph gives to these artificial persons the same rights, the same exemptions, the same authority, that are conferred upon individuals.

Let us see:

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment—

The corporation therefore has the same authority as the individual under this clause to terminate relations of employment—

from recommending, advising, or persuading others by peaceable means so to do—

The corporation has the same authority as the individual to cease to perform work or labor and to recommend, advise, or persuade others by peaceable means to do so—

or from peacefully persuading any person to work or to abstain from working—

The corporation has the same authority as the individual to exercise that authority without any danger of the restraining processes of injunction—.

from withholding their patronage from any party to such dispute, or or from recommending, advising, or persuading others by peaceful and lawful means so to do—

And so forth.

Mr. President, under this provision as it is drawn there is just as much power given to the corporation lawfully to discriminate against the organization as is given to the organization lawfully to discriminate against a particular employer or employee, and of course that involves the idea and the possibility of combination. A corporation may, as it frequently does, unite with certain labor organizations and direct their common purposes against a competitor which is offensive to both, and, by reason of the combined attack, either injure or wholly destroy it. What is there in the practical operation of this statute, especially if the language of the House be employed, to prevent such a condition being lawfully carried on as would result in the destruction of competition, and at the same time with no possibility of remedy except such remedy as might exist in the State courts, or independently of the antitrust law?

It seems to me, therefore, if this provision is adopted, in view of the fact that no exceptions whatever are made as to those who may obtain the benefit of the statute itself, that both in the interest of labor, in the interest of capital, and in the interest of the public the amendment that is proposed to be made here by the committee should stand. I am unable, therefore, to discern the existence of any class legislation in the part of the measure which is now under discussion.

Mr. SMITH of Georgia. I wish to call the attention of the Senator from Colorado to this suggestion: In the first part of this paragraph, page 27, lines 3 and 4, it is declared:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment.

If no restraining order can be issued to prevent the termination of an employment——

Mr. THOMAS. Either against the employer or the employee.

Mr. SMITH of Georgia. On either side—then that is one of the acts referred to.

Mr. THOMAS. Yes.

Mr. SMITH of Georgia. If we add to that the provision "nor shall any of the acts specified in this paragraph be considered or held unlawful," would not the legal effect be that a corporation could terminate the employment of its men when

they were under contract or the employment of a man under contract?

Mr. THOMAS. Absolutely.

Mr. SMITH of Georgia. Having hired him for 12 months, could it not break the contract in 2 weeks and then be free from liability under the contract?

Mr. THOMAS. Absolutely. Why, the paragraph is reciprocal. I do not believe the original framers of the measure took into consideration the fact that it would be impartial in its operation. I think their desire to favor a class of people who have suffered from abuses of injunctions has blinded their eyes to the fact that in this particular section they have proposed legislation which will have not only the effect which the Senator declares, but which will also have the effect of legalizing a boycott against those people.

Mr. SMITH of Georgia. But it undoubtedly would free every employer from liability under a contract that he made with his employees if he broke it long before the term expired.

Mr. THOMAS. I think so, Mr. President, and I think it would also legalize combinations of employers as against labor organizations; that it would not only legalize them, but it would take away all remedies which are designed to be summary in their character, no matter how great the exigency may be for their exercise.

This is not a matter of surprise to me, perhaps, because I have had a similar experience in one or two matters of State legislation. Take the initiative and referendum: That was designed to overcome the inertia of legislatures, and also to overcome the refusal of general assemblies to carry out the wishes of the people and become obstacles instead of agencies for the transaction of public business. Of course, however, the initiative and referendum are embodied in a general constitutional amendment and privilege, one of which all classes and conditions of men can take advantage—the laboring man and the capitalist, the black man and the white man—but the advocates of the initiative and referendum have for the most part advocated it from the standpoint of its remedial effect and benefit to certain elements of society only.

Let me give an illustration of the manner in which it can operate and has been operating impartially. The legislature of my State enacted a statute which was called an eight-hour law. It was not satisfactory, and it was referred by the workingmen of the State under the initiative and referendum amendment to the constitution of my State. The corporations immediately initiated a statute and the labor organizations initiated another. We had, therefore, three statutes upon the subject before the people, and upon which they voted. While the legislative act was rejected, both of the initiated acts were adopted by majority votes, and they were so irreconcilable with each other that the legislature was compelled to call upon the supreme court to ascertain whether it had the power to repeal an initiated law; and, the supreme court having held that it did have that power, the exigency of the situation made it necessary for them practically to repeal both of these statutes and enact one that was substantially correct.

Mr. OVERMAN. Is that the general result of laws initiated in the Senator's State?

Mr. THOMAS. No; that is not the general result, but it may be the general result, because, as I have stated—perhaps the Senator did not hear me—provisions of that kind, although advocated for certain purposes and for certain ends, nevertheless become shields as well as swords.

Mr. OVERMAN. But I understood the Senator to say that the legislature initiated one plan, the corporations another, and the laboring people another; that the legislative act was defeated, the one initiated by the corporations was carried, and the one initiated by the laboring men was carried, although inconsistent with each other.

Mr. THOMAS. The Senator understood me correctly; whereupon the legislature was obliged to take hold of and unravel that tangle, and did so.

Take the public-utilities law passed by the general assembly of my State—a most excellent law; a very desirable one. It was referred by the corporations, and as a consequence it does not and can not go into effect until the people shall pass upon the referendum at the coming election; and such will be the operation of this paragraph if it becomes a part of the laws of the country. I do not want it to become so—and hence I have taken up this comparatively small portion of time—without emphasizing in advance the fact that it is going to be a weapon against as well as a protection for the laboring classes of the country.

Mr. CULBERSON. Mr. President, in view of the fact that an executive session is desired, and it is impossible to get through with the committee amendments this afternoon, I desire at this time to proffer a proposal for a unanimous-consent agreement with reference to the pending bill.

The VICE PRESIDENT. The Secretary will read the proposed unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2 o'clock p. m. on Saturday, August 29, 1914, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock on said day no Senator shall speak more than once or longer than 15 minutes upon the bill or upon any amendment offered thereto.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. SMITH of Georgia. Mr. President, before the roll call is commenced, does the Senator urge that the proposal be presented at this time, or would it suit——

Mr. CULBERSON. I present it now. We must have a quorum anyway for the executive session.

Mr. JONES. I want to say to the Senator that I shall not consent to that proposition. I say that just to save the time to call the roll.

The VICE PRESIDENT. Then there is no necessity for calling the roll. The Senator from Washington objects.

Mr. CULBERSON. The Senator from Washington objects?

The VICE PRESIDENT. Yes.

Mr. CULBERSON. Is it not out of order for him to object at this time?

Mr. JONES. I simply wanted to state that I would object. I thought that would save the calling of the roll.

The VICE PRESIDENT. The Senator from Washington says he will object. If the Senator from Texas desires to have the roll called, it will be called.

Mr. CULBERSON. I simply presented the matter under the rule.

The VICE PRESIDENT. It is, however, perfectly apparent that it is idle to call the roll.

Mr. CULBERSON. Very well. I do not insist upon it, then.

Mr. JONES. I wish to say to the Senator that I would not object to a proposition to begin, say, at 2 o'clock, and under the regular parliamentary procedure, with a certain amount of debate on each amendment or proposition presented, have the bill disposed of; but I would not want to set a time when we shall begin to vote on the bill and amendments without permitting any debate thereafter. That is all.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session, the doors were reopened.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of Montezuma Tribe, No. 77, Improved Order of Red Men, of San Francisco, Cal., and a petition of San Francisco Parlor, No. 49, Native Sons of the Golden West, of San Francisco, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. BURLEIGH presented a petition of sundry citizens of Gorham, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of the board of directors of the Spokane & Eastern Trust Co., of Spokane, Wash., praying for a reduction of governmental expenses rather than increased taxation to meet the emergencies of the present situation, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 6396) granting an increase of pension to Elizabeth Otis; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6397) to amend section 13 of an act approved December 23, 1913, and known as the Federal reserve act;

A bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws"; and

A bill (S. 6399) to amend section 9 of an act approved December 23, 1913, and known as the Federal reserve act; to the Committee on Banking and Currency.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 25, 1914:

S. 5197. An act granting public lands to the city and county of Denver, in the State of Colorado, for public park purposes;

S. 5673. An act to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 3, 1911; and

S. 5739. An act to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government.

On August 26, 1914:

S. 6315. An act to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River.

RECESS.

Mr. KERN. I move that the Senate take a recess until to-morrow at 11 o'clock a. m.

The motion was agreed to; and (at 6 o'clock p. m., Thursday, August 27, 1914) the Senate took a recess until to-morrow, Friday, August 28, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 27 (legislative day of August 25), 1914.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Lloyd M. Brett, First Cavalry, to be colonel from August 25, 1914, vice Col. Daniel H. Boughton, unassigned, who died August 24, 1914.

Maj. James A. Cole, Cavalry, unassigned, to be lieutenant colonel from August 25, 1914, vice Lieut. Col. Lloyd M. Brett, First Cavalry, promoted.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1914:

John V. Klemann,
James J. Raby,
Kenneth M. Bennett, and
Edward H. Watson.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1914:

William H. Allen,
Jesse B. Gay, and
Guy W. S. Castle.

Lieut. (Junior Grade) James J. Manning to be a lieutenant in the Navy from the 20th day of June, 1914.

Lieut. (Junior Grade) Rufus W. Mathewson to be a lieutenant in the Navy from the 1st day of July, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Thomas E. Van Metre,
James B. Glennon, and
Lemuel E. Lindsay.

First Lieut. Emile P. Moses to be a captain in the Marine Corps from the 12th day of July, 1914.

William A. Brams, a citizen of Illinois, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 15th day of August, 1914.

POSTMASTERS.

ARIZONA.

C. B. Wood to be postmaster at Phoenix, Ariz., in place of J. H. McClintock. Incumbent's commission expired March 5, 1914.

CALIFORNIA.

John J. Blaney to be postmaster at Weaverville, Cal., in place of Albert L. Paulsen, resigned.

Myrtle A. Haycock to be postmaster at Lakeport, Cal., in place of Allen H. Spurr, removed.

ILLINOIS.

Frank W. Freeman to be postmaster at Grant Park, Ill., in place of Albert Bothfuhr, resigned.

E. S. Patterson to be postmaster at Stockton, Ill., in place of Isaac W. Parkinson, removed.

IOWA.

John E. McHugh to be postmaster at Lisbon, Iowa, in place of William F. Stahl. Incumbent's commission expired April 21, 1914.

Richard O'Connor to be postmaster at Neola, Iowa, in place of John G. Bardsley. Incumbent's commission expired April 15, 1914.

John Vanderwicken to be postmaster at Grundy Center, Iowa, in place of W. E. Morrison. Incumbent's commission expired April 21, 1914.

KENTUCKY.

J. N. Rule to be postmaster at Falmouth, Ky., in place of Frank W. Stith, removed.

MINNESOTA.

James McGinn to be postmaster at Minneota, Minn., in place of Herman N. Dahl, deceased.

NEW MEXICO.

George Hoffman to be postmaster at Belen, N. Mex., in place of John Becker, resigned.

W. L. Radney to be postmaster at Roswell, N. Mex., in place of Arthur H. Rockafellow, resigned.

NORTH CAROLINA.

William Cannon to be postmaster at Saluda, N. C. Office became presidential July 1, 1914.

PENNSYLVANIA.

Jacob L. Hershey to be postmaster at Youngwood, Pa., in place of John W. Gardner, deceased.

Milton J. Porter to be postmaster at Wayne, Pa., in place of Albert M. Ehart, removed.

SOUTH DAKOTA.

George Winans to be postmaster at White Rock, S. Dak., in place of Howard Squires. Incumbent's commission expired January 10, 1914.

TENNESSEE.

William P. Chandler to be postmaster at Knoxville, Tenn., in place of Cary F. Spence, resigned.

TEXAS.

W. T. Jackman to be postmaster at San Marcos, Tex., in place of John M. Cape, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 27 (legislative day, August 25), 1914.

SUPERINTENDENT OF THE UNITED STATES ASSAY OFFICE.

Verne M. Bovie to be superintendent of the United States assay office at New York, N. Y.

PROMOTIONS IN THE ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Lieut. Col. Eugene F. Ladd to be adjutant general with rank of colonel.

CAVALRY ARM.

Lieut. Col. Franklin O. Johnson to be colonel.
Maj. George W. Read to be lieutenant colonel.
Capt. Louis C. Scherer to be major.
First Lieut. William B. Renziehausen to be captain.
Second Lieut. William C. McChord to be first lieutenant.

INFANTRY ARM.

Lieut. Col. Everard E. Hatch to be colonel.
Lieut. Col. David C. Shanks to be colonel.
Maj. David J. Baker, jr., to be lieutenant colonel.
Maj. Benjamin A. Poore, to be lieutenant colonel.
Capt. William Newman to be major.
Capt. Frank A. Wilcox to be major.
First Lieut. John S. Chambers to be captain.
First Lieut. James Regan to be captain.
First Lieut. Gilbert M. Allen to be captain.
Second Lieut. Robert E. O'Brien to be first lieutenant.

COAST ARTILLERY CORPS.

Second Lieut. Richard F. Cox to be first lieutenant.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

John W. Hyatt, of Virginia, to be second lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from August 6, 1914.

Grover Cleveland Buntin.
George Davies Chunn.
Frank Henry Dixon.
William Daniel Heaton.
Augustus Benjamin Jones.

Harry Dumont Offutt.
Thomas Iliff Price.
Lloyd Earl Tefft.
Herman Gustave Maul.

To be first lieutenants with rank from August 15, 1914.

Frank Ernest Winter.
Eveleth Wilson Bridgman.
William Daugherty Petit.
Frank Humbert Hustead.
Francis Eugene Prestley.
Paul Frederic Martin.
John Randolph Hall.
George Matthew Kesl.
Clyde Dale Pence.
William Howard Michael.

To be first lieutenant with rank from August 19, 1914.

Charles Mallon O'Connor, jr.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Commander Franklin D. Karns to be a commander.
Lieut. Owen H. Oakley to be a lieutenant commander.
Lieut. (Junior Grade) Charles C. Gill to be a lieutenant.
The following-named ensigns to be lieutenants (junior grade):
Cummings L. Lothrop, jr.,
Roland M. Comfort,
George N. Reeves, jr.,
Thalbert N. Alford,
Solomon Endel,
Lawrence Townsend, jr., and
Dennis E. Kemp.
Midshipman Paul W. Fletcher to be an ensign.
Asst. Surg. Chester M. George to be a passed assistant surgeon.
Charles F. Glenn to be an assistant surgeon.

POSTMASTERS.

MASSACHUSETTS.

F. J. Sullivan, Monson.

NEW YORK.

Eugene M. Andrews, Endicott.

PENNSYLVANIA.

Josephine R. Callan, Cresson.

TENNESSEE.

William P. Chandler, Knoxville.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 27, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful God, our heavenly Father, we bless Thee for every great thought, for every noble deed, for every passion slain, for every moral victory, for every true friendship, for the love that never faileth, for every upward help which brings mankind nearer to each other in the bonds of brotherhood and nearer to Thee, our God and our Father. And we pray that the genius of the Christian religion may be fulfilled in a world-wide peace. And glory and honor and praise be Thine forever. Amen.

The SPEAKER. The Clerk will read the Journal.

Mr. BUTLER. Mr. Speaker, I do not see how any Member can conscientiously draw his salary unless he listens to the reading of the Journal, and I make the point that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I suppose a quorum is not present now, and I therefore move a call of the House.

Mr. MANN. The Speaker has not yet announced it.

The SPEAKER. The Chair announces that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adair	Aswell	Bartholdt	Browne, Wis.
Aiken	Austin	Bartlett	Browning
Ainey	Baltz	Beall, Tex.	Brumbaugh
Ansberry	Barchfeld	Bell, Ga.	Calder
Anthony	Barkley	Brown, N. Y.	Church
Clancy	Gill	Lafferty	Peterson
Cooper	Gittins	Langham	Plumley
Copley	Glass	Langley	Porter
Covington	Graham, Ill.	Lazaro	Powers
Crisp	Graham, Pa.	L'Engle	Rainey
Decker	Griest	Lenroot	Riordan
Dickinson	Guernsey	Lewis, Pa.	Rogers
Dies	Hamill	Lindquist	Rubey
Dillon	Hamilton, Mich.	Linthicum	Russell
Dixon	Hamilton, N. Y.	Loft	Sabath
Dooling	Hardwick	McGillicuddy	Shackleford
Doolittle	Hayes	McGuire, Okla.	Sherley
Eagle	Heflin	McKenzie	Smith, Minn.
Elder	Hensley	Mahan	Smith, N. Y.
Esch	Hill	Maher	Steenerson
Estopinal	Hinds	Martin	Stout
Fairchild	Hinebaugh	Merritt	Stringer
Faison	Hobson	Metz	Sumners
Fess	Hoxworth	Miller	Switzer
Finley	Igoe	Montague	Taggart
Fitzgerald	Johnson, Ky.	Morgan, La.	Thacher
Flood, Va.	Kennedy, Conn.	Mott	Townsend
Foster	Kent	Murdock	Underhill
Fowler	Kindel	Neeley, Kans.	Wallin
Francis	Kirkpatrick	Nolan, J. I.	Watkins
Gallivan	Knowland, J. R.	Padgett	Whaley
Gardner	Konop	Patten, N. Y.	Wilson, N. Y.
George	Kreider	Peters	Winslow

The SPEAKER. On this roll call 299 Members have responded—a quorum. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BUTLER. I demand a division, Mr. Speaker.

The House divided; and there were—ayes 153, noes 76.

Mr. BUTLER. I demand the yeas and nays.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that that motion is dilatory. There is no question as to the result of the vote to dispense with further proceedings under the call. And there can be no question but that the gentleman from Pennsylvania makes his motion for no other purpose than to delay the House in its proceedings. If it was a vote of moment, of course the gentleman would be entitled to a roll call. But a quorum being here, it is absolutely necessary to dispense with further proceedings under the call in order that the House may transact business. There can be no purpose in the motion of the gentleman from Pennsylvania except to delay by dilatory tactics.

Mr. BUTLER. Mr. Speaker, I do not propose that the gentleman shall question my motive. I am a Member of this House, and have a right to demand the yeas and nays.

Mr. UNDERWOOD. I do not question the gentleman's motives. They are so apparent that nobody could question them.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] has a perfect right to insist that the motion is dilatory, if he wishes to do so. It is not a personal reflection on the gentleman from Pennsylvania.

Mr. MANN. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD], in his efforts to maintain a quorum, introduced a resolution, which the House passed a few days ago, for the purpose of getting Members back to Washington.

Now, this side of the House has the right to make an effort to have the Sergeant at Arms bring them back. It is not a dilatory proposition at all. Whether it ought to be done or not is for the House to determine. The gentleman from Alabama [Mr. UNDERWOOD] proposes one way to get them back, by deducting pay. We may propose another way to get them back by having the Sergeant at Arms not merely telegraph for them, but to issue warrants for their arrest and have them come back. [Applause on the Republican side.]

I call the attention of the Speaker to the fact that the right of demanding the yeas and nays is a constitutional right which can not be swept away by a gesture.

The SPEAKER. The last roll call showed that there were 299 Members present, very much above a quorum; and yet the demand for the yeas and nays is a constitutional right. It does not make any difference what the gentleman is up to [laughter]; that is one of the things that the Speakers of the House have always been very careful about. Those in favor of calling the yeas and nays will rise and stand until they are counted. [After counting.] Fifty-eight gentlemen have risen—a sufficient number—and the Clerk will call the roll. Those in favor of dispensing with further proceedings under the call will answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 226, nays 69, answered "present" 5, not voting 131, as follows:

YEAS—226.

Abercrombie	Baker	Booher	Broussard
Adamson	Barnhart	Borchers	Brown, W. Va.
Alexander	Barton	Borland	Bruckner
Allen	Bathrick	Bowdle	Buchanan, Ill.
Ashbrook	Beakes	Brockson	Buchanan, Tex.
Bailey	Blackmon	Brodbeck	Bulkley

Burgess	Garrett, Tex.	Lloyd	Sells
Burke, Pa.	Gerry	Lobeck	Sherwood
Burke, S. Dak.	Gilmore	Logue	Sims
Burke, Wis.	Godwin, N. C.	Lonergan	Sinnott
Burnett	Goeke	McAndrews	Sisson
Byrnes, S. C.	Goldfogle	McClellan	Slayden
Byrns, Tenn.	Goodwin, Ark.	McCoy	Slemp
Callaway	Gordon	McKellar	Small
Candler, Miss.	Gorman	Maguire, Nebr.	Smith, Md.
Cantor	Goulden	Mann	Smith, Minn.
Cantrill	Gray	Metz	Smith, Saml. W.
Caraway	Gregg	Mitchell	Smith, Tex.
Carew	Griffin	Montague	Sparkman
Carlin	Gudger	Moon	Stafford
Carr	Hamlin	Morgan, Okla.	Stanley
Carter	Hammond	Morrison	Stedman
Casey	Hardy	Moss, Ind.	Stephens, Miss.
Clark, Fla.	Harris	Mulkey	Stephens, Nebr.
Claypool	Harrison	Murray, Mass.	Stevens, N. H.
Cline	Hart	Murray, Okla.	Stone
Coady	Hay	Neely, W. Va.	Talbott, Md.
Collier	Hayden	Norton	Talcott, N. Y.
Connelly, Kans.	Helgesen	O'Brien	Tavenner
Connolly, Iowa	Helm	Oglesby	Taylor, Ala.
Conry	Helvering	O'Hair	Taylor, Ark.
Cox	Holland	Oldfield	Taylor, Colo.
Crosser	Houston	O'Leary	Taylor, N. Y.
Cullop	Howard	O'Shaunessy	Ten Eyck
Curry	Hughes, Ga.	Page, N. C.	Thomas
Davenport	Hull	Palmer	Thompson, Okla.
Davis	Humphreys, Miss.	Park	Thomson, Ill.
Deitrick	Jacoway	Patten, N. Y.	Townsend
Dent	Johnson, S. C.	Payne	Tribble
Dershem	Jones	Phelan	Tuttle
Difenderfer	Keating	Post	Underwood
Donohoe	Keister	Pou	Vaughan
Donovan	Kelly, Pa.	Quin	Vollmer
Doremus	Kennedy, Conn.	Ragsdale	Walker
Doughton	Kettner	Raker	Walsh
Driscoll	Key, Ohio	Rauch	Watson
Eagan	Kinkead, N. J.	Rayburn	Weaver
Edwards	Kitchin	Reed	Webb
Evans	Korbly	Reilly, Conn.	Whitacre
Fergusson	La Follette	Reilly, Wis.	White
Ferris	Lee, Ga.	Rothermel	Williams
FitzHenry	Lee, Pa.	Rouse	Wilson, Fla.
Floyd, Ark.	Lesher	Rucker	Wingo
Gallagher	Lever	Rupley	Witherspoon
Gard	Levy	Saunders	Young, Tex.
Garner	Lewis, Md.	Scully	
Garrett, Tenn.	Lieb	Seldomridge	

NAYS—69.

Anderson	French	Lindbergh	Smith, Idaho
Avis	Gillett	McLaughlin	Smith, J. M. C.
Bell, Cal.	Good	MacDonald	Stephens, Cal.
Britten	Green, Iowa	Madden	Stevens, Minn.
Bryan	Greene, Mass.	Manahan	Sutherland
Butler	Greene, Vt.	Mapes	Temple
Campbell	Haugen	Mondell	Towner
Cary	Hawley	Morin	Treadway
Chandler, N. Y.	Howell	Moss, W. Va.	Vare
Cramton	Hughes, W. Va.	Paige, Mass.	Volstead
Danforth	Humphrey, Wash.	Parker	Walters
Drukker	Johnson, Utah	Patton, Pa.	Willis
Dunn	Johnson, Wash.	Platt	Woodruff
Edmonds	Kahn	Roberts, Mass.	Woods
Falconer	Kelley, Mich.	Roberts, Nev.	Young, N. Dak.
Farr	Kennedy, Iowa	Scott	
Fordney	Kennedy, R. I.	Shreve	
Frear	Kinkaid, Nebr.	Sloan	

ANSWERED "PRESENT"—5.

Dupré	Henry	Hulings	Stephens, Tex.
Fields			

NOT VOTING—131.

Adair	Eagle	Hobson	Neeley, Kans.
Aiken	Elder	Hoxworth	Nelson
Ainey	Esch	Igoe	Nolan, J. I.
Ansberry	Estopinal	Johnson, Ky.	Padgett
Anthony	Fairchild	Kent	Peters
Aswell	Faison	Kiess, Pa.	Peterson
Austin	Fess	Kindel	Plumley
Baltz	Finley	Kirkpatrick	Porter
Barchfeld	Fitzgerald	Knowland, J. R.	Powers
Barkley	Flood, Va.	Konop	Prouty
Bartholdt	Foster	Kreider	Rainey
Bartlett	Fowler	Lafferty	Riordan
Beall, Tex.	Francis	Langham	Rogers
Bell, Ga.	Gallivan	Langley	Rubey
Brown, N. Y.	Gardner	Lazaro	Russell
Browne, Wis.	George	L'Engle	Sabath
Browning	Gill	Lenroot	Shackleford
Brumbaugh	Gittins	Lewis, Pa.	Sherley
Calder	Glass	Lindquist	Smith, N. Y.
Church	Graham, Ill.	Linthicum	Steenerson
Clancy	Graham, Pa.	Loft	Stout
Cooper	Griest	McGillicuddy	Stringer
Copley	Guernsey	McGuire, Okla.	Sumners
Covington	Hamill	McKenzie	Switzer
Crisp	Hamilton, Mich.	Mahan	Taggart
Dale	Hamilton, N. Y.	Maher	Thacher
Decker	Hardwick	Martin	Underhill
Dickinson	Hayes	Merritt	Wallin
Dies	Heflin	Miller	Watkins
Dillon	Hensley	Moore	Whaley
Dixon	Hill	Morgan, La.	Wilson, N. Y.
Dooling	Hinds	Mott	Winslow
Doolittle	Hinebaugh	Murdock	

So the motion to dispense with further proceedings under the call was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. FIELDS with Mr. LANGLEY.
Mr. RIORDAN with Mr. POWERS.
Mr. UNDERHILL with Mr. STEENERSON.
Mr. IGOE with Mr. BROWNE of Wisconsin.
Mr. FLOOD of Virginia with Mr. COPLEY.
Mr. DIXON with Mr. COOPER.
Mr. RAINEY with Mr. BARCHFELD.
Mr. AIKEN with Mr. ANTHONY.
Mr. HARDWICK with Mr. J. R. KNOWLAND.
Mr. DICKINSON with Mr. GRAHAM of Pennsylvania.
Mr. PETERSON with Mr. PETERS.
Mr. SHERLEY with Mr. PORTER.
Mr. FRANCIS with Mr. FESS.
Mr. ELDER with Mr. WINSLOW.
Mr. BELL of Georgia with Mr. CALDER.
Mr. MORGAN of Louisiana with Mr. LINDQUIST.
Mr. SHACKLEFORD with Mr. GRIEST.
Mr. RUBEY with Mr. LANGHAM.
Mr. RUSSELL with Mr. LA FOLLETTE.
Mr. KONOP with Mr. HAMILTON of Michigan.
Mr. CHURCH with Mr. MCGUIRE of Oklahoma.
Mr. MCGILLICUDDY with Mr. GUERNSEY.
Mr. SABATH with Mr. SWITZER.
Mr. CLANCY with Mr. HAMILTON of New York.
Mr. ASWELL with Mr. AINEY.
Mr. HENRY with Mr. HINDS.
Mr. GALLIVAN with Mr. KREIDER.
Mr. ADAIR with Mr. AUSTIN.
Mr. BALTZ with Mr. DILLON.
Mr. BARKLEY with Mr. FAIRCHILD.
Mr. BARTLETT with Mr. HAYES.
Mr. DECKER with Mr. BROWNING.
Mr. DOOLITTLE with Mr. HINEBAUGH.
Mr. ESTOPINAL with Mr. KIESS of Pennsylvania.
Mr. FINLEY with Mr. MCKENZIE.
Mr. FITZGERALD with Mr. MILLER.
Mr. FOSTER with Mr. MARTIN.
Mr. FAISON with Mr. LAFFERTY.
Mr. GLASS with Mr. MOTT.
Mr. HEFLIN with Mr. MOORE.
Mr. GRAHAM of Illinois with Mr. PLUMLEY.
Mr. HENSLEY with Mr. NELSON.
Mr. PADGETT with Mr. MERRITT.
Mr. STEPHENS of Texas with Mr. BARTHOLDT.
Mr. TAGGART with Mr. J. I. NOLAN.
Mr. WATKINS with Mr. ROGERS.
Mr. WHALEY with Mr. WALLIN.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors. The Clerk will read the Journal.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. TAGGART, on account of sickness.

To Mr. FOWLER (at the request of Mr. BOOHER), indefinitely, on account of sickness.

To Mr. RAINEY, for two weeks, on account of sickness in his family.

To Mr. ADAIR, indefinitely, on account of sickness.

ACTS OF SEVENTH LEGISLATIVE ASSEMBLY OF PORTO RICO.

Mr. JONES. Mr. Speaker, on the 22d of this month the President of the United States transmitted to the Congress copies of the acts and resolutions of the extraordinary session of 1913 and regular and extraordinary sessions of 1914 of the Seventh Legislative Assembly of Porto Rico, and stated in his message transmitting these copies that they had not been printed. I therefore ask that they be printed as a House document.

The SPEAKER. The gentleman from Virginia [Mr. JONES] asks to have printed as a House document the acts and proceedings of the last Porto Rico Legislature.

Mr. JONES. Of the extraordinary session of 1913 and the regular and extraordinary sessions of 1914.

The SPEAKER. Is there objection?

Mr. BARNHART. Mr. Speaker——

Mr. MANN. Reserving the right to object——

Mr. BARNHART. I yield to the gentleman from Illinois.

Mr. MANN. Has the gentleman from Virginia a printed copy of the document?

Mr. JONES. There are, I believe, only one or two printed copies, and they came from Porto Rico.

Mr. MANN. The law requires them to send several copies. What good will it do for us to print the Porto Rican laws, they having been printed in Porto Rico, and being in possession of the people of Porto Rico who need to make use of them?

Mr. JONES. I am informed by the War Department that there are many requests for these laws. My attention was called by the War Department to the fact that the message transmitting this document had been sent to the House, and that while it had been referred by the House to the Committee on Insular Affairs no order was made looking to printing the acts.

Mr. MANN. I remember a few years ago we did order some such document printed——

Mr. JONES. I think it has been the custom in the past.

Mr. MANN. And there were a large number printed, and they were absolutely useless. I suggest to the gentleman that he introduce a resolution to print the document and have the resolution go before the Committee on Printing. It will be a privileged matter, and in that way the committee will have an opportunity to ascertain what copies are needed.

Mr. JONES. Mr. Speaker, I will say to the gentleman that copies of the laws of the Philippines have been published recently as a Senate document, and that the War Department is very anxious to have this printing done as soon as possible. My attention has been called to it twice. I have no personal interest at all in the matter, but the War Department is very anxious that this shall be done. There are demands in this country for copies of these laws, and they are not by any means useless documents.

Mr. MANN. Naturally, the War Department is very anxious to have the House print, out of the congressional printing fund, documents for the use of the War Department instead of having them printed out of the War Department fund.

Mr. JONES. Of course, the gentleman understands that the War Department has jurisdiction over Porto Rican matters.

Mr. MANN. Oh, I understand that.

Mr. JONES. And he understands, of course, that applications are constantly being made to the War Department for documents of this sort.

Mr. MANN. And I understand—although I may be mistaken about it—that the War Department has full power to print this; but it would have to pay for it out of the appropriation for the War Department printing.

Mr. JONES. I am not able to speak positively as to that; but I should not think that the War Department ought to pay for this printing, even if it has a printing fund and authority to use it for this purpose. This printing is for the use of Congress. The War Department should not be required to have it done out of its funds, even if it could do so, as to which I have no information.

Mr. BARNHART. Mr. Speaker, will the gentleman yield? The War Department, like all other departments, makes up its estimates each year for the appropriation bill. The War Department certainly knew of this extraordinary session of the Legislature of Porto Rico, and it had ample time before the passage of the appropriation bill to estimate for this printing. But it is the custom of many of the departments to make their estimates and then get just as much printing out of Congress as they possibly can, and until I can have some further information on it than that the department wants it and that it has no provision to pay for it I shall object.

Mr. JONES. Mr. Speaker, if the gentleman is going to object, I shall be very glad to get this information and call the matter up at a later date.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on August 27, 1914, approved and signed bill of the following title:

H. R. 92. An act to extend the general land laws to the former Fort Bridger Military Reservation, in Wyoming.

OFFICE OF INFORMATION, DEPARTMENT OF AGRICULTURE.

The SPEAKER. The Chair has a report from the Secretary of Agriculture in response to a resolution of inquiry asking about a press agency in the department. If there be no objection, this report will be printed in the RECORD.

There was no objection.

The report is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, August 21, 1914.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor of complying with the request and direction of the House of Representatives that I furnish detailed information called for in House resolution 573.

First. A press agency, as defined and commonly understood, is one which looks after newspaper advertising for any sort of enterprise. There is not under the administration of the Department of Agriculture any such agency. As a matter of fact, the department, by specific rule, strictly prohibits the employment of any press agent or publicity expert for the purpose of advertising the department, any bureau, or any individual connected with the Department of Agriculture, and chiefs of bureaus and heads of offices and divisions are instructed to see that no work of this character is performed by any of the employees under them.

There is under the administration of the Department of Agriculture an Office of Information. The facts concerning this office are a matter of record. Its purpose is discussed in the Report of the Secretary of Agriculture for 1913.

The reasons for its establishment and its function were set forth by Assistant Secretary Galloway before the House Committee on Agriculture in December.

This work was entered upon in pursuance of the organic act creating a Department of Agriculture, "the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word," and in efficient execution of the purposes of the department.

The Nation is spending through the department many millions of dollars in acquiring agricultural information. It would seem to be little short of criminal to spend millions of dollars to acquire information and not to use every possible efficient agency available for placing it at the disposal of the people as promptly as possible. It is the purpose of the office with as little delay as possible, through every proper medium, to give the knowledge which the department possesses as the result of investigations and field work to all the people who desire it or should have it. The office undertakes to deal solely with facts, with suggestions of remedies, and of methods of applying them in every field of agriculture.

Up to a comparatively short time ago the printed matter conveying information was in the form of bulletins and circulars limited to issues of from two to forty thousand copies. Not infrequently much time was required for the final preparation of the bulletin, for its printing, and for its distribution. In the nature of things, the bulletins could not reach a great mass of the farmers. Many farmers did not even know of the existence of the department, and knew nothing of the service it could render. They did not know of the existence of bulletins which would be helpful to them or how to secure them, and in many cases they could secure them only with considerable inconvenience and some expense. Furthermore, the bulletins were not infrequently difficult to interpret, to understand, and to apply. One particular duty of the office is to prepare matter which frequently comes from the bureau in technical or scientific form in simple language more readily understood by the great mass of lay readers. Again, it seemed easier through this office to select matter of special value to particular districts or sections of the Union and to prepare and have it distributed to such sections quickly. Emergencies frequently arise in which information to be of value must be placed within a few hours in the hands of the farmers. The delay in issuing official printed bulletins and mailing them often defeated the possibility of service. In case of distant States the mailing time to and from Washington caused from 12 days to 2 weeks to elapse before the desired information could be delivered. In many cases, where the department's supply of printed publications was exhausted, it was necessary to inform the farmer that he must send 5 or 10 cents to the superintendent of documents to obtain the desired publications. This involved on the farmer's part the writing of a second letter to the superintendent of documents and another delay of 12 days or 2 weeks. In cases actually worked out, where the publication desired was not available from the department, farmers in Pacific Coast States have been unable to obtain the information in less than 30 days. In short, it seemed a matter of great urgency to make available through every proper channel at the earliest possible moment to the 6,000,000 farm families of the Union the knowledge which the department had acquired and was increasingly acquiring, and to do this in as simple language as possible.

As the result of long observation, as well as of careful survey, the department reached the conclusion that, aside from the conveying of information by competent persons directly to farmers on their farms, the most efficient medium for reaching the farmers was the agricultural press, and that next to this the most efficient mediums were the daily and weekly press which devoted space to agricultural matters. It was ascertained that these journals would gladly use material if it were furnished to them in such form as to be readily available. It seemed desirable to have an office which could do this, because through it the matter could be more accurately and efficiently presented. It was also discovered that representative journals would telegraph to their home offices items giving important and urgent agricultural information bearing upon pressing problems.

This whole matter was made the subject of a conference with the chiefs of bureaus, other officers of the department, and expert writers and journalists. As the result of this conference the plan described was agreed upon.

RESULTS OF THE WORK OF THE OFFICE.

Not only has the establishment of this office resulted in a fuller knowledge on the part of the farmers of the fact that they can get assistance and that bulletins are available, but it has led to a much larger call for bulletins and supplied a vast amount of information to the journals to which reference has been made.

During the fiscal years 1913 and 1914 the staff of the Office of Information prepared and issued in mimeograph form to the agricultural press and newspapers 512 summaries or condensed statements of facts and 30 special items to the press associations covering quarantine notices and supplementary statements regarding crop estimates. In addition, each week from 10 to 20 pages of typewritten material have been prepared specially and supplied to rural weekly papers. In each case the summary was circulated only to editors in the geographic or agricultural territory to which the information is directly applicable. The office also has cooperated with many editors or their representa-

tives, who write or telephone or call in person for special information needed by them in the preparation of agricultural articles. The office has answered daily from 20 to 40 letters requesting information not covered directly by existing publications or not falling within the province of any one of the department's bureaus or offices.

While no effort has been made to keep a complete account of the use of material by publications, a rough estimate of the circulation has been made. It is established that the material issued by the Office of Information has appeared at least on the following number of printed pages in the public press during the months indicated:

	Monthly circulation.
November, 1913	137, 993, 802
December, 1913	179, 075, 030
January, 1914	218, 239, 313
February, 1914	243, 175, 625
March, 1914	275, 697, 536
April, 1914	288, 331, 997
May, 1914	270, 686, 427
June, 1914	303, 783, 190
July, 1914	310, 376, 171

These figures do not accurately represent the total circulation of this material. They do not include the department's material which appears in the pages of nearly every agricultural journal and much special material on practical farming carried by weekly country papers.

As a result of this service many daily papers which heretofore had given no attention to agriculture are now devoting considerable space to publishing the department's brief, simple statements as to improved methods of farming or as to control of crop pests of direct local value. These reach the farmers promptly through the Rural Free Delivery Service.

Second. Twelve persons are employed in the Office of Information. These are under the direction of George W. Wharton, as Chief of the Office of Information.

The following list gives the name of each employee of the office, the salary that he receives, and roll upon which he is carried:

Name and salary.	Title.	Roll.
Wharton, George W. ($3,000)	Chief, Office of Information.	Chemistry (any lump).
Mitchell, Edward B. ($2,000)	Assistant chief	Do.
Dunlap, Maurice ($1,600)[1]	Clerk, class 3	Secretary (statutory).
Brennan, Robert T. ($1,400)	Clerk, class 2	Bureau of Animal Industry (any lump).
Hafford, Thomas A. ($1,200)	Clerk, class 1	Office of Experiment Stations (any lump).
Anderson, M. N. ($1,200)	do	Secretary (statutory).
Anderson, A. S. ($1,020)	Clerk	Chemistry (statutory).
Higgins, Hugh ($1,000)	do	Secretary (statutory).
Hill, Ira B. ($900)	Stenographer-typist.	Chemistry (statutory).
Clark, John H. ($900)	Clerk-typist	Forestry (statutory).
Connors, John J. ($840)	Skilled laborer	Secretary (statutory).
White, Maurice B. ($480)	Messenger boy	Do.

[1] Writer.

Third. George W. Wharton is employed in the Department of Agriculture as Chief of the Office of Information. His duties are:

(a) To organize and direct the work of the Office of Information, and to translate the scientific and technical discoveries, reports, and orders of the department into simple, practical statements of facts, so as to make them readily intelligible to lay readers and so as to secure their widespread publication in the agricultural and other publications.

(b) To prepare the material for and issue the Weekly News Letter to Crop Correspondents, and to serve as a member of the editorial committee of the farmers' bulletin known as the Agricultural Outlook, published monthly during the crop season.

(c) On the order of the Secretary, to conduct special inquiries, such as that recently addressed to the housewives of farmers, and to prepare special reports, bulletins, and other publications for the office of the Secretary.

(d) To collect or direct the collection of special agricultural data for special districts, and to aid in the preparation and dissemination of information specifically adapted to the agriculture of different localities. This has resulted in a complete card index, giving the agricultural production and summaries of information for each congressional district in the United States.

Mr. Wharton receives a salary of $3,000 per annum, payable as follows:

July 1 to October 1, 1914, by the Bureau of Chemistry.
October 1, 1914, to January 1, 1915, by the Bureau of Plant Industry.
January 1 to April 1, 1915, by the Bureau of Animal Industry.
April 1 to July 1, 1915, by the Weather Bureau.

These bureaus furnish the greater part of the material which the office prepares for publication.

Mr. Wharton was temporarily appointed, with the consent of the Civil Service Commission, as Chief of the Office of Information, at a salary of $2,500 per annum, on June 7, 1913.

When the Office of Information was created, on May 16, 1913, the Civil Service Commission had no list of eligibles from which a chief of the office could be appointed. On May 24, 1913, the department requested the Civil Service Commission to hold an examination at the earliest practicable date to establish a list of eligibles for this position, and in order that the work might be begun at once the Civil Service Commission was requested to authorize a temporary appointment. On May 26, 1913, the Civil Service Commission authorized the department to appoint temporarily a Chief of the Office of Information. The letter of the department to the commission and the commission's reply are attached hereto, marked, respectively, Exhibits "A" and "B."

On August 18, 1913, the Civil Service Commission announced a competitive examination for the position of Chief of the Office of Information. A copy of the notice of examination is attached hereto, marked "Exhibit C." Mr. Wharton took this examination and passed at the head of the list. On October 29, 1913, the Civil Service Commission forwarded to the department certificate No. 9916, a copy of which is attached hereto, marked "Exhibit D," giving a list of eligibles from which to make a permanent appointment of Chief of the Office of Information. On November 5, 1913, Mr. Wharton was given a probationary appointment, at a salary of $2,500 per annum, and at the conclusion of the probationary period of six months Mr. Wharton's appointment was made permanent. On July 1, 1914, as a result of service performed, Mr. Wharton's salary was increased to $3,000 per annum.

Fourth. Edward B. Mitchell is employed in the Department of Agriculture as Assistant Chief of the Office of Information. He was temporarily appointed March 17, 1914, with the consent of the Civil Service Commission, at a salary of $2,000 per annum, on the miscellaneous roll of the Bureau of Chemistry.

Mr. Mitchell prepares for publication statements of the results of the department's work. He assists the Chief of the Office of Information in the direction of its work and serves as acting chief in the absence of the chief.

The growth of the work of the Office of Information early in 1914 made it necessary to appoint an assistant possessing executive and editorial ability. Of the three eligibles remaining on the Civil Service list for the position of chief after the appointment of Mr. Wharton, one declined the position of assistant chief; one had already been appointed to a subordinate position in the office, and the third was deemed not to have had sufficient training and experience to warrant his appointment as assistant chief. The department, accordingly, on March 7, 1914, requested the Civil Service Commission to hold an examination to establish an eligible register from which an Assistant Chief of the Office of Information could be appointed, and at the same time requested the commission to authorize a temporary appointment. On March 12, 1914, the Civil Service Commission granted permission to make the appointment. Copies of the department's letter to the commission and the commission's reply are attached hereto, marked Exhibits "E" and "F."

On March 17, 1914, Mr. Mitchell was temporarily appointed Assistant Chief of the Office of Information, and on May 18 the Civil Service Commission announced a competitive examination for this position. A copy of the notice of examination is attached hereto, marked "Exhibit G." On June 10, 1914, the Civil Service Commission furnished the department with certificate No. 10601 (copy of which is attached hereto, marked "Exhibit H"), giving a list of eligibles for appointment to the position of Assistant Chief of the Office of Information. Mr. Mitchell was No. 1 on the list, and on June 16, 1914, he was given a probationary appointment as Assistant Chief of the Office of Information for a period of six months at a salary of $2,000 per annum, on the miscellaneous roll of the Bureau of Chemistry.

Fifth. This office is not now being used and never has been used for private interests, either directly or indirectly. As has been stated, it limits itself to the discussion of established facts and approved information. It has refrained from discussing personnel, entering into controversies, or commenting on legislation. It has not dealt with the policies of the department, discussed future measures, or praised individuals or organizations.

Respectfully,

D. F. HOUSTON, *Secretary.*

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[Inclosures.]

EXHIBIT A.

MAY 24, 1913.

The honorable the PRESIDENT OF THE UNITED STATES CIVIL SERVICE COMMISSION.

SIR: I would respectfully request that a special examination be held at the earliest practicable date for the purpose of establishing an eligible list from which selection and appointment may be made of a male chief of the Office of Information in this department, at a salary at the rate of $2,500 per annum. Pending the establishment of such an eligible list it is respectfully requested that the commission issue an approval certificate authorizing a temporary appointment.

The Office of Information, about to be created in this department, is to act as a clearing house of information between the scientific sources and the public direct and through the press, for the purpose of increasing the amount of printed agricultural information developed by the Department of Agriculture and to heighten the direct educational value of published matter. Through this work the following general results will be sought:

1. A wider dissemination of information concerning the scientific discoveries and researches of the department through the extraction from technical bulletins of material of popular interest or practical value, and its presentation in a form that will be understandable and usable by the general public.

2. A better understanding on the part of the public of the work of the Department of Agriculture, of the functions of its various bureaus and offices, of the processes on which it bases recommendations, and thus to bring about a closer cooperation between the department and the people.

The special examination referred to should be limited to males between 30 and 45 years of age, and consist of the following subjects and weights:

1. Education: A degree from a college of good standing is a prerequisite	20
2. Experience in educational extension work	40
3. Editorial experience	20
4. Published papers or magazine articles, prepared by applicant, tending to show fitness for work of this particular type	20
	100

In view of the fact that it is desired to inaugurate this new line of work immediately, it is respectfully requested that as prompt action as possible be taken on this request.

Very respectfully,

B. T. GALLOWAY,
Acting Secretary.

EXHIBIT B.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 26, 1913.

The honorable the SECRETARY OF AGRICULTURE.

SIR: In reply to the department's letter of May 24, 1913, the commission has the honor to state that prompt attention will be given to the matter of holding an examination to provide eligibles for filling the position of Chief of Office of Information at a salary of $2,500 per annum.

Authority is granted under section 2 of rule 8 for the appointment of a person pending the establishment of a register, on condition that he make application for the examination.

By direction of the commission.

Very respectfully,

JOHN C. BLACK, *President.*

EXHIBIT C.

(No. 798.)

UNITED STATES CIVIL-SERVICE EXAMINATION—CHIEF, OFFICE OF INFORMATION (MALE).—AUGUST 18, 1913.

The United States Civil Service Commission announces an open competitive examination for chief, Office of Information, for men only. From the register of eligibles resulting from this examination certification will be made to fill a vacancy in this position in the Office of Information, Department of Agriculture Washington, D. C., at $2,500 a year, and vacancies as they may occur in positions requiring similar qualifications, unless it is found to be in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

The Office of Information will act as a clearing house of information between the scientific sources and the public, direct and through the press, for the purpose of increasing the amount of printed agricultural information developed by the Department of Agriculture and to heighten the direct educational value of published matter. An effort will be made to gain a wider dissemination of information concerning the scientific discoveries and researches of the department through the extraction from technical bulletins of material of popular interest or practical value and its presentation in a form that will be understandable and usable by the general public, and a better understanding on the part of the public of the work of the Department of Agriculture, thus bringing about a closer cooperation between the department and the people.

It is desired to secure the services of a man who has had experience in the preparation of special articles for publication, presenting the results of scientific investigations in a popular form.

Competitors will not be assembled for examination, but will be rated on the following subjects, which will have the relative weights indicated:

Subjects.	Weights.
1. Education and training	30
2. Practical experience and fitness	40
3. Published papers or magazine articles	30
Total	100

An educational training equivalent to that required for graduation from a college or university of recognized standing is a prerequisite for consideration for this position.

Under subject 2 consideration will be given to experience in editorial or magazine work; or in educational extension work in connection with experiment stations or agricultural colleges; or in any line of work which tends to fit the applicant to perform the duties outlined in the second paragraph.

Statements as to education, training, experience, and fitness are accepted subject to verification.

Applicants must have reached their thirtieth but not their forty-fifth birthday on the date of the examination.

Under an act of Congress applicants for this examination must have been actually domiciled in the State or Territory in which they reside for at least one year previous to the date of the examination.

This examination is open to all men who are citizens of the United States and who meet the requirements.

Persons who meet the requirements and desire this examination should at once apply for Form 304 and special form to the United States Civil Service Commission, Washington, D. C.; the secretary of the board of examiners, post office, Boston, Mass.; Philadelphia, Pa.; Atlanta, Ga.; Cincinnati, Ohio; Chicago, Ill.; St. Paul, Minn.; Seattle, Wash.; San Francisco, Cal.; customhouse, New York, N. Y.; New Orleans, La.; Honolulu, Hawaii; old customhouse, St. Louis, Mo.; or to the chairman of the Porto Rican Civil Service Commission, San Juan, P. R. No application will be accepted unless properly executed and filed with the commission at Washington, with the material required, prior to the hour of closing business on August 18, 1913. In applying for this examination the exact title as given at the head of this announcement should be used.

Issued July 23, 1913.

EXHIBIT D.

Departmental. (Confidential.) Certificate 9916.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 29, 1913.

To the SECRETARY OF AGRICULTURE.

SIR: In response to your request, No. —, of May 24, 1913, for males eligible for probational appointment to a vacancy existing in class $2,500 per annum, Chief Office of Information, Department of Agriculture, certification is hereby made under the civil service rules of the following-named eligibles: 89–5980

Name.	State.	Examination.	Grade.	Number of times previously certified.	Post-office address.
George W. Wharton	New York.	Chief Office of Information.	85.50	.....	195 Union Street, Flushing, L. I., N. Y.
Bristow Adams....	California.	.....do.....	80.60	.....	2923 South Dakota Avenue, Washington, D. C.
Maurice Dunlap....	Minnesota.	.....do.....	71	.....	1737 T Street NW., Washington, D. C.

together with those not appointed whose names appear on certificate No. —.

You are authorized to select and appoint one of the eligibles thus certified.

By direction of the commission.

T. P. CHAPMAN, *Acting Secretary.*

Certification at a salary materially less than the usual entrance rate is made on condition that the person selected shall not be promoted within six months after selection unless during this period his name would be reached for certification at the salary to which promotion is proposed.

The commission requests that the examination papers sent with this certificate be promptly returned with the report of selection, in order that the eligibles not selected may not lose opportunity for appointment to other vacancies.

EXHIBIT E.

MARCH 7, 1914.

The UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

GENTLEMEN: I have the honor to request that a special examination be held at the earliest practicable date for the purpose of establishing an eligible register from which an Assistant Chief of the Office of Information may be appointed in this department, at a salary at the rate of $2,000 per annum. For this position we desire to secure a man who has a degree from a college of good standing, who has had experience in educational-extension work and in editorial work, and who has written articles that have been published as papers or as magazine articles. His services are needed to assist the Chief of the Office of Information in the general work of the office, which was established for the purpose of increasing the amount of printed agricultural information developed by the Department of Agriculture and to heighten the direct educational value of published matter, and which acts as a clearing house of information between the scientific sources and the public direct and through the press. The special examination requested should be limited to males between 30 and 45 years of age, and should consist of the following subjects and weights:

Subjects.	Weights.
1. Education and training	30
2. Practical experience	40
3. Published papers or magazine articles	30

Pending the establishment of this register and the certification of eligibles therefrom, it is respectfully requested that authority be issued authorizing the department to make a temporary appointment.

We would use to fill this position the register resulting from the special examination held on August 18, 1913, for Chief of the Office of Information, but this examination resulted in but four eligibles, Mr. George W. Wharton and Mr. Maurice Dunlap, who have been appointed therefrom; Mr. Bristow Adams, who is now receiving a salary of $2,100 per annum in the Forest Service of this department and who has declined to accept the position of Assistant Chief of the Office of Information; and Mr. O. C. Gillette, of Madison, Wis., who has been carefully considered for the place. Mr. Gillette made a trip from Madison, Wis., to Washington for conference regarding the work, but after carefully considering this man we do not believe that he would meet our requirements.

Very respectfully,

B. T. GALLOWAY,
Acting Secretary.

EXHIBIT F.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 12, 1914.

The honorable the SECRETARY OF AGRICULTURE.

SIR: In reply to the department's letter of March 7 the commission has the honor to state that prompt attention will be given to the matter of holding an examination to provide a register from which the position of Assistant Chief of the Office of Information may be filled, at a salary of $2,000 per annum.

Authority is granted under section 2, of Rule VIII, for the appointment of a person outside the register on condition that he make application for the examination when it is announced. The name of the person appointed under this authority should be reported to the commission by letter when the appointment is made.

By direction of the commission.

Very respectfully,

CHAS. M. GALLOWAY,
Acting President.

EXHIBIT G.

No. 410.

UNITED STATES CIVIL-SERVICE EXAMINATION—ASSISTANT CHIEF, OFFICE OF INFORMATION (MALE), MAY 18, 1914.

The United States Civil Service Commission announces an open competitive examination for assistant chief, Office of Information, for men only. From the register of eligibles resulting from this examination certification will be made to fill a vacancy in this position at a salary of $2,000 per annum, in the Office of Information, Department of Agriculture, Washington, D. C., and vacancies as they may occur in positions requiring similar qualifications, unless it is found to be in the interest of the service to fill any vacancy by reinstatement, transfer, or promotion.

The duties of this position will be to assist the Chief of the Office of Information in the general work of the office, which was established for the purpose of increasing the amount of printed agricultural information developed by the Department of Agriculture and to heighten the direct educational value of published matter, and which acts as a clearing house of information between the scientific sources and the public direct and through the press.

Competitors will not be assembled for examination, but will be rated on the following subjects, which will have the relative weights indicated:

Subjects.	Weights.
1. Education and training	30
2. Practical experience and fitness	40
3. Published papers or magazine articles	30
Total	100

An educational training equivalent to that required for a bachelor's degree from a college or university of recognized standing is a prerequisite for consideration for this position.

Under the second subject experience in educational extension work and in editorial or magazine work will receive consideration.

Statements as to education and experience will be accepted subject to verification.

Applicants must have reached their thirtieth but not their forty-fifth birthday on the date of the examination.

Under an act of Congress applicants for this position must have been actually domiciled in the State or Territory in which they reside for at least one year previous to the date of the examination.

This examination is open to all men who are citizens of the United States and who meet the requirements.

Persons who meet the requirements and desire this examination should at once apply for Form 304 and special form to the United States Civil Service Commission, Washington, D. C.; the secretary of

the United States Civil Service Board, post office, Boston, Mass.; Philadelphia, Pa.; Atlanta, Ga.; Cincinnati, Ohio; Chicago, Ill.; St. Paul, Minn.; Seattle, Wash.; San Francisco, Cal.; customhouse, New York, N. Y.; New Orleans, La.; Honolulu, Hawaii; old customhouse, St. Louis, Mo.; or to the chairman of the Porto Rican Civil Service Commission, San Juan, P. R. No application will be accepted unless properly executed, excluding the medical certificate, and filed with the commission at Washington, with the material required, prior to the hour of closing business on May 18, 1914. In applying for this examination the exact title as given at the head of this announcement should be used.

Issued April 14, 1914.

EXHIBIT H.

Departmental. (Confidential.) Certificate No. 10601.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 10, 1914.

SIR: In response to your request No. —, of March 7, 1914, for males eligible for probational appointment to a vacancy existing in class $2,000 per annum, Assistant Chief of the Office of Information, Washington, D. C., Department of Agriculture, certification is hereby made under the civil-service rules of the following-named eligibles:

Name.	State.	Examination.	Grade.	Number of times previously certified.	Post-office address.
Edward B. Mitchell	New York.	Assistant Chief, Office of Information.	80.80	.....	244 Whitestone Avenue, Flushing, N. Y.
Maurice Dunlap....	Minnesota.	.....do.....	74.50	.....	Department of Agriculture, Washington, D. C.
Elias Robert Stevenson.	Massachusetts.	.....do.....	73.50	.....	58 Thompson Street, Springfield, Mass.

together with those not appointed whose names appear on certificate No. —.

You are authorized to select and appoint one or more of the eligibles thus certified.

By direction of the commission.

T. P. CHAPMAN, *Acting Secretary.*

The commission requests that the examination papers sent with this certificate be promptly returned with the report of selection, in order that the eligibles not selected may not lose opportunity for appointment to other vacancies.

LEAVE TO EXTEND REMARKS.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD concerning the agricultural, dairying, lumbering, and binding-twine industries of the third congressional district of Minnesota, including also the State of Minnesota.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the subject of agriculture, dairying, lumbering, and binding twine in the third district of Minnesota. Is there objection?

There was no objection.

Mr. HELVERING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the tariff effect on agriculture, dairying, and farming generally.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on the subject of the effect of the tariff on agriculture, dairying, and farming in general. Is there objection?

There was no objection.

THE MERCHANT MARINE.

Mr. ALEXANDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALEXANDER. Is it in order to proceed with debate on the seamen's bill—S. 136?

The SPEAKER. It is.

Mr. ALEXANDER. Will the gentleman from Massachusetts [Mr. GREENE] please occupy some of his time?

The SPEAKER. The gentleman from Massachusetts [Mr. GREENE] is recognized for an hour.

Mr. GREENE of Massachusetts. Mr. Speaker, when I have occupied five minutes, I will thank you to notify me.

This proposition which is before the House, the House amendment to Senate bill 136, has had long and faithful consideration before the House Committee on the Merchant Marine and Fisheries. During the absence of the chairman of the committee, at the time he was attending the meetings of the international conference at London, last year, hearings upon the bill were held, which were conducted by the gentleman from Texas [Mr. HARDY] as acting chairman, in which all the parties interested in the Senate bill which was then before the committee were heard. There are some features of the amendment under consideration to which I do not fully agree, but I wish to record here the fairness shown by the gentleman from Texas [Mr. HARDY] in presiding over that committee, and his extreme liberality to persons who desired to be heard before the committee, in order that all the facts might be presented. The amendment as proposed is in my judgment a vast improvement over the bill which came to the House from the Senate.

I hope if this amendment is adopted by the House that we shall finally be able to secure an improved bill, which will be greatly in the interest and advancement of the merchant marine of the United States. There are many features in this bill that are great improvements over the existing law. It provides increased facilities for taking care of human life on all passenger steamers and greater opportunities for men employed on the vessels in all classes of the maritime service.

There are some conditions in the amendment which in my opinion are detrimental to the men who furnish the capital and who own the steamers, and I think it puts a greater burden on these steamship owners than they ought to be called upon to bear. But it was the judgment of the majority of the committee that these requirements should be made, and some of them were assented to by the vessel owners.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. GOLDFOGLE. Is there any provision in the bill as it is now drawn which will permit the running of the New York boats—for instance, the Coney Island boats——

Mr. GREENE of Massachusetts. That is all provided for.

Mr. GOLDFOGLE. The Rockaway Beach boats and boats of that character?

Mr. GREENE of Massachusetts. That is provided for in the bill under the Steamboat-Inspection Service.

Mr. GOLDFOGLE. So that these boats will be relieved from the provisions that the gentleman spoke of?

Mr. GREENE of Massachusetts. Many of the objectionable provisions in the bill, as the bill came from the Senate, have been removed by the House committee, and the amendment now under consideration in general meets the conditions as presented to the committee by the New York steamship owners. I wish to say that, while I do not think it gives all the privileges it ought to have given to the men who own the steamships, it gives a great many more benefits than were provided in the Senate bill. The Senate bill would practically have stopped navigation if it had been adopted by the House and received the approval of the President. This bill affects all the vessels that may be admitted to American registry under the law that has already been adopted, known as Public Law 175, H. R. 18202, except for the fact that there are some exceptions in this law by which the President can relieve foreign-built vessels, but there are no exceptions that would relieve American-built vessels.

I have noticed in the regulations which have been published as to what the Department of Commerce has recommended to the President, that it makes no reference to relief for American-built vessels or for American-operated vessels, from any condition whatever, but it does provide for all the various merchant vessels for all the countries of Europe if admitted to American registry, and gives to owners of such vessels extensive privileges not allowed to American vessels. If the President issues the orders as recommended by the Department of Commerce, all vessels will be subject, in addition to whatever law may be enacted finally, as the result of our action to-day. In so far as it will be especially burdensome on the American vessel owners, it will become so because of the allowances made to foreign vessels and those practically in foreign ownership, because the law above referred to provides that vessels bearing the American flag which have been built in foreign shipyards, admitted to American registry, and manned by foreign officers and watch officers will be allowed privileges denied to vessels owned by Americans and built in American shipyards by American workmen.

Mr. MOORE. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes; but I trust the gentleman will be brief.

Mr. MOORE. Does the statement the gentleman has made, that we can accept foreign ships under the law passed the other day, include foreign measurement and foreign inspection?

Mr. GREENE of Massachusetts. If the President issues the order.

Mr. MOORE. There must be an American inspection and survey for vessels built in the United States?

Mr. GREENE of Massachusetts. There is no provision of law exempting American-built vessels, but the law does provide for the exemption of foreign-built vessels which may be granted American registry to help take care of our foreign trade.

Mr. MOORE. Does the gentleman mean to say that the law referred to favors the foreign shipbuilder against the American shipbuilder?

Mr. GREENE of Massachusetts. Certainly.

Mr. MOORE. How does that apply to vessels on the inland waterways?

Mr. GREENE of Massachusetts. They would not be affected, because the foreign-built vessels would not have the right to enter inland waterways.

Mr. MOORE. In the matter of protection of life we must take foreign inspection?

Mr. GREENE of Massachusetts. The law provides as follows:

That the President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

Under like conditions, in like manner, and to like extent the President of the United States is also hereby authorized to suspend the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this act.

And, furthermore, in the statement made by the Department of Commerce a regulation is proposed to relieve the foreign vessels that may be admitted to American registry in whatever port they may be located abroad, they may not be subjected to our measurement laws, but may be accepted as American vessels by United States consuls in any port of the world and be subject to the law of measurement established by foreign Governments.

Mr. MOORE. Even under this law a foreign purchased vessel has a preference over an American vessel?

Mr. GREENE of Massachusetts. The regulations proposed by the Department of Commerce so provide.

Mr. GOULDEN. Will the gentleman yield?

Mr. GREENE of Massachusetts. I will.

Mr. GOULDEN. This is really an emergency measure?

Mr. GREENE of Massachusetts. I hope it may become so.

Mr. GOULDEN. Does not the President have the right to give the same benefits to American-built ships that he has to foreign-built ships?

Mr. GREENE of Massachusetts. It is not so provided under the law, as I understand it. I submit the following article taken from the New York Sun of Wednesday, August 26, 1914, which explains itself:

NEEDN'T REMEASURE SHIPS FOR REGISTRY—DEPARTMENT OF COMMERCE ADOPTS REGULATION TO EXPEDITE CHANGE—CONSULS MAY DO THE WORK—PLACING OF VESSELS UNDER AMERICAN FLAG NOW DEPENDS ON PRESIDENT.

WASHINGTON, *August 25.*

Edmund F. Sweet, Acting Secretary of Commerce, has taken steps to expedite the registering of foreign-built ships under the American flag. It has been decided that it will not be necessary for these vessels to be physically present at American ports to be registered. This, it is believed, will materially shorten the time needed for the registering of many vessels. Arrangements are being made so that consuls of the United States can perfect the registry of vessels after application has been made to the Department of Commerce.

Acting Secretary Sweet to-day issued a regulation to remove a mistaken idea that there is a wide difference between American regulations for measuring vessels and the regulations of other maritime nations. It is stated that there are slight differences in some features, but to a great extent these offset one another. The principal difference is in the interpretation of the words "shelter decks," the British authorities construing them somewhat more liberally than American authorities. But the British collect tonnage and lighthouse duties on deck cargoes, while the United States does not. The regulation issued to-day to collectors of customs is as follows:

"Merchant vessels of Great Britain, Belgium, Denmark, Austria-Hungary, the German Empire, Italy, Sweden, Norway, Spain, the Netherlands, Russia, Finland, Portugal, Japan, and France will be deemed to be of the tonnage denoted in their certificates of register or other national papers, and it shall not be necessary for such vessels to be remeasured at any port of the United States, the measurement law of these countries being substantially similar to the laws of the United States. This regulation supersedes the department's regulations included in article 85, Customs Regulations, 1908, and so much of article 87 as may conflict with this order."

This new regulation will remove one obstacle to American registry, as many shipowners have been contending that the American rules for measuring tonnage added materially to the cost of operation as compared with the rules of other countries.

How many foreign vessels will register under the American flag depends now on the action of the President. The Department of Commerce has recommended that the President suspend the present law, which requires that the watch officers on all vessels of American registry shall be citizens of the United States. The recent registry act leaves this to the President's discretion.

Mr. SHREVE. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes; if the gentleman will be brief.

Mr. SHREVE. Will the gentleman explain if this will apply to boats sailing from Duluth to Liverpool loaded with grain?

Mr. GREENE of Massachusetts. Mr. Speaker, the gentleman may ask the chairman of the committee, who is an able lawyer, and if he has no more time I will yield him additional time later if he wishes it. I am not a lawyer, and I am not going to undertake to quote the law.

Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used 10 minutes.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield now 10 minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, the seamen's bill has had quite a history. There has been quite a lot of agitation, there has been quite a deal of interest manifested in this particular measure. The bill that was sent over by Senator LA FOLLETTE in most of its features met with my approval, and I believe it meets with the approval of those who seek safety at sea and who seek to benefit the seamen, those who are engaged in work on vessels upon the ocean. I know that bill S. 136 suits them better than the substitute we are now considering, but after the London conference, and after great and careful consideration on the part of the chairman of this committee and the committee, it was deemed advisable to materially amend the safety provisions as well as other features of the La Follette bill, which is, in fact, practically the original Wilson bill, and all sides have agreed, so far as I know, that the best that can be done for all interests at this particular time is for the Members of this House to vote for this bill and pass it, and let it go to conference in the state that it is in. I am quite sure that before the debate is concluded, although it is to be quite brief, a different position will be taken as to foreign vessels, and the argument will be advanced here that this bill instead of favoring foreign nations will offend foreign nations, so that the House will have both sides of the argument to consider, and Members may take their choice of the two arguments. Some will be just as pronounced and as positive as the gentleman from Massachusetts [Mr. GREENE], who is very learned and experienced in this particular line and whose fighting qualities I very much admire, in stating exactly the opposite argument, so that we will have to determine the matter from the very best judgment of the membership and on the advice of those who have considered the matter.

I believe that it is absolutely essential that we become very positive in the matter of regulating the shipping, by water, of this country. I believe these shipowning interests have had their own way in matters too long and too exclusively, and that the giving to such an interest its own way is injurious to all concerned. I believe the water shipping of this country illustrates that particular proposition. We have our railroads under regulation, and we are proud of our railroad system, and the more we regulate that system and the nearer we get to Government ownership of the railroads the prouder we will be, but the ships of the ocean are not under regulation. They are freer from Government control or the authority of any Government than any other industry, and the result is that this great interest has become the spoiled child of industry. These shipowners come in here and make all kinds of demands from the Government whenever they need help, but at all other times they fly in the face of all regulation, and have little regard or consideration for anything else than the matter of profits. To illustrate, we have now the shipping interest entirely broken down. They have entirely fallen down upon the ocean in the matter of carrying our commerce and our passengers abroad, and they want all kinds of protection and aid. The requests toward paternalism that they are asking now are almost revolutionary when compared with what those gentlemen generally stand for in matters of governmental activity. The rankest socialism these suggestions would be called if they came from an ordinary public man. They want the United States Government to enter into war-risk insurance, and we are going to have to do it, no doubt, because they can not assume the risks incident to the traffic that is assigned them, notwithstanding the fact that in times of peace they have come before this Congress and asked to be relieved of all liability, and have had their requests so nearly granted that the liability laws of this country are such that a ship can go on the ocean, become a wreck, sink to the bottom of the sea, and the owners, no matter how negligent they are, thus oftentimes make actual profit out of their wrecks; even the insurance money for the full value of the ship they are permitted to pocket, notwithstanding valid claims of ordinary liability. They say our laws in this country are not liberal to the shipping interests, but when the *Titanic* went down in the Atlantic Ocean her liability under British laws was something like $3,000,000, but under American laws only about $96,000, and we had the spectacle of the English officers of that corporation begging for American liability tests rather than English, although it floated the English flag.

In other words, our law provides that when a ship goes down the owner is responsible only for the current freight and passenger charges and for the value of the ship. Of course, if the ship is at the bottom of the sea, it is valueless; and under American laws, which are criminally liberal, that condition prevails. I will refer to this further, later on.

They want us now to go into the Government ownership of a lot of ships; but it is proposed that those ships shall not participate in the coastwise trade. We are going to have to consider these things; and the bill that is offered provides that the United States Government shall invest twenty-five or thirty million dollars, as a starter, in ships for freight and passenger traffic, but that these ships shall not have the right to engage in the coastwise trade, except to the Philippine Islands and certain islands of the Pacific Ocean. That is the kind of arrangements the shipping interest is always asking. The spoiled child of industry, it wants everything in sight.

The other day we passed an emergency law which provided for American registry of certain foreign-built but American-owned ships; but when the bill came back from the Senate it provided that these ships should have the right to take part in coastwise traffic, and this feature was further amended in conference. One would naturally expect an American-owned American-registered ship, carrying the American flag, would have that right; but no, the proposition of admitting those American-owned and American-registered ships to the coastwise traffic brought on such a storm of protest from multimillionaires who own that monopoly that it was defeated in the Senate.

That is the kind of protection the shipowners have been asking all along, and they have been getting that kind of protection, too; but the sailors, the seamen—the men who work upon the ships—have been neglected, and the reason why the seamanship of our country has been degraded, one of the great reasons, is because we accept the standards of foreign nations, because we permit foreign nations to fix the rules under which men may work on the vessels, and then, as they come into our ports, we enforce their laws. The various party platforms adopted last time proclaimed against the arresting of sailors and permitting seamen to be arrested for desertion; this promise was especially implied in the Progressive and Democratic platforms. This bill wipes that mediæval system out and redeems that promise that was made not only by the Democrats but by other parties for a number of years back, and for that reason the bill ought to pass. We are breaking a little bit—not very much, it is true—into the privileges that have always been given to the vessels that sail the ocean. We go to work and chart the seas, and build lighthouses, and make every arrangement to protect them in case of wreck, and then we organize our Navy to protect them against the enemy in all of the ports of the world at public expense.

We license the officers of the vessels, and with every kind of Government aid and the expenditure of Government money we protect the traffic of those vessels; and yet, when it comes to the matter of fixing rates, when it comes to the matter of regulating them, or the matter of saying what kind of rates they shall pay, to say how the ships when in our ports shall be manned, there comes a cry from some who believe we are working an injustice and trying to break down the American merchant marine. The reason why the American merchant marine has been broken down is because we have not established American standards, but have permitted the foreign ships to fix the standard. We permit them to come to our ports with any kind of labor, and if a man quits the vessel and refuses longer to work under the contract under which he has been employed, if he desired to have a little of the freedom that everybody else has under the American flag and under the American Constitution, we use our United States marshals and our courts and the judges upon the benches in our courts to put those men back on the ships or arrest them and put them in jail because they did not want any longer to work under that kind of employment. We have provided in any other employment that a man can quit if he wants to do so, that anywhere else they can select their master, but on a ship they can not. This bill will work a benefit to the seamen of the country in wiping out that practice. I believe the requirements here as to safety will be such as will make the American ships more safe, and if we enforce these rules and enforce them in our ports as to the carrying of lifeboats and the way they have to be manned, we will be able to maintain for American ships a standard and get for them the shipping and passenger traffic that they will not get in any other way.

It is futile to say a ship because it flies some other flag can do as it pleases in our ports. We do not allow anybody else to do as he pleases in our ports simply because he is a foreigner. We require the foreigner to obey our laws. We require foreign nations to recognize our sovereignty when they come here, and when these shipowners come and advertise for passengers, when they propose to take Americans abroad, they ought to be required to leave our ports under a standard of safety established by our sense of right and our sense of justice. We ought to stand in all cases for American standards, because foreign nations are able to employ men and make contracts that are not recognized under our Constitution. We have found that American shipowners are very patriotic until it comes to the proposition of profit. When it is found that an American ship can make a little bit more by going under the Japanese flag or the Russian flag or the Belgian flag they at once forget their patriotism, the shipowner forgets the land of his birth, forgets his obligation to his native land, dries up about Old Glory and "my flag and your flag," and runs up a foreign flag because he can make more pennies by hiring men who do not have the privileges of American liberty and the American Constitution. Are we, as an American Nation, going to enforce that kind of unconstitutional, revolting, and outrageous—except to toll takers—arrangements? Not at all. We are going to require Mr. Shipowner to obey our laws while in our ports, or else stay out.

Under the privilege of extension in the RECORD I desire to discuss further some of the privileges which I believe are unjustly granted to shipowners, and to emphasize the necessity of going further along several lines not touched by this bill.

The "twilight zone" between State and Federal authority has been so narrowed by recent laws and public sentiment that special interests do not find so safe a retreat within its boundaries. The authority of the Federal Government under the commerce clause of the Constitution is finding expression and enforcement in Federal statutes that effectively interfere with the operation of some of those who have prospered most as denizens of this zone.

There is another area over which the authority of the Federal Government is unquestioned that has become a refuge—a sort of bad man's realm—where privilege stalks unbridled and unrestrained. Big business in interstate commerce has been made to yield to Federal control. The great railroad system, with its more than 260,000 miles of road and its $20,000,000,000 of stocks and bonds, has been humbled before the majesty and power of the law, and that gigantic organization must await the order of the people through the Interstate Commerce Commission. A Federal employers' liability law took from the railroad its defenses against liability for the injuries of employees, and before long we will have a Federal workman's compensation law that will further protect the employees, or, in case of death, their dependents, in case of injuries in interstate commerce on land.

But "the mighty main" has become a haven of privilege. The moment one becomes an employee on a launch, a barge, a tugboat, a steamship, or an ocean vessel, or in any navigable waters, he must look to the admiralty court and the Federal law, if there is any, for his protection. Of course, if there is no law governing his case, he can resort to State law under certain conditions.

NO COMPENSATION FOR DEATH THROUGH NEGLIGENCE.

If an employer through negligence injures an employee so as to maim him or cause him pain and suffering, he must pay such damages as are assessed by due process of law, but if an employer through negligence kills an employee there shall be no recovery. What do you think of that kind of law?

That used to be the law all over the civilized world. It is now and, to the time "beyond which the memory of man runneth not to the contrary," has been the common law of England. It was the law in the United States until statutes were passed creating a right of action in favor of dependents for loss of life through negligence on land. Louisiana in a sense is an exception to the rule, for that State has never been subjected to common law.

There is a Federal employers' liability law that changes the rule, but the framers of that act were particular to limit its scope to deaths and injuries by common carriers by railroad. An interstate common carrier by steamboat or by any other means does not come under its provisions. It has no application to the sea. State laws are limited in application to their own territorial jurisdictions. Then it follows that there is no American law for recovery for death at sea or on the navigable waters of the United States, except in so far as it is to be found in State statutes.

ENGLAND SUBSTITUTED STATUTE GIVING COMPENSATION FOR COMMON LAW.

As long ago as 1846 England enacted the Lord Campbell's act, which supplanted the common law in this regard both in England and on English vessels at sea, for there is no territorial restrictions in that act. A ship flying an English flag is a part of English territory, and Lord Campbell's act has always applied to English ships at sea as well as in inland waters.

Why is it that our Congress has failed to pass an act providing for such liability and has permitted this spoiled child of industry to have its way so long? As early as 1851, under the leadership of Senator Hamlin, of Maine, there was forced

through the Senate a few days before adjournment the indefensible act for limiting the liability of shipowners to the value of the ship and the pending freight charges. Senator Hamlin explained that it was merely an act to make American law gibe with English statutes on the same subject. When the act was finally approved, however, it was much more liberal than the English statute in that it based the liability of the shipowner on the value of the ship at the termination of the voyage, while the English liability was based on value before the injury or loss. Of course, where the ship goes down it has no value at the termination of the voyage—that is, after it reaches the bottom.

CONGRESS HAS TAKEN GOOD CARE OF SHIPOWNERS' LIABILITY.

But this was a limitation of liability, not a creation of liability. The purpose of this act was to improve the conditions, to increase the profits, of shipowners. It had no consideration for the human rights of passengers and seamen. There was one redeeming feature about the statute as passed—it was especially exempted from application to rivers and inland waters. But in 1886 they passed an amendatory act making this outrageous liability statute "apply to all vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters."

In the debate when the original act was passed it was stated repeatedly that it was necessary to adopt the measure to put our shipping on an equal basis with that of England. Of course, that was not true at any time; but when the amendment was enacted extending its provisions to smaller vessels engaged in inland navigation, of course, no such excuse could be offered.

NO CONSIDERATION GIVEN BY CONGRESS TO HUMAN SAFETY AND LIABILITY.

While all this legislation was being enacted to help protect profits, no consideration was given for the human rights of those involved. The American lawmakers ignored Lord Campbell's act of 1846, which provided for damages to dependents for death at sea.

Under Lord Campbell's act the English seamen or the passengers had the benefit of jury trial, but our lawmakers did not subject American shipowners to any such burden. A more recent compensation act has further advanced the status of English seamen, but our Congress has not given consideration to this side of the case.

RELIEF THROUGH STATE LAWS AND COURT DECISIONS.

The general proposition of the sovereignty of the ship's flag is well laid down in Lindstrom *v.* International Navigation Co. (123 Fed., 475), Judge Wallace speaking for the circuit court:

> The territorial sovereignty of a State extends to a vessel of the State when it is upon the high seas, the vessel being deemed a part of the territory of the State to which it belongs; and it follows that a State statute which creates a liability or authorizes a recovery for the consequences of a tortious act operates as efficiently upon the vessel of a State when it is beyond its boundaries as it does when it is physically within the State.

I have already mentioned the fact that practically every American State had passed a law supplanting the common law and creating liability to dependents for death through negligence, and it can readily be seen that if this sovereignty of the flag doctrine could be made applicable to an American State then there would be a remedy, notwithstanding the failure of Congress to act, for every American ship is registered at some American port and every American port is a part of some American State, and every American State has a law creating this liability.

This question came up time and again in Federal courts until finally Judge Addison Brown, of the United States District Court of the Southern District of New York, reviewed the precedents in a learned opinion and gave personal judgment in a libel suit for a death which occurred on the navigable waters of the State of New York, basing his judgment on a New York State death statute. A little later Judge William H. Taft rendered judgment for like cause, basing his findings on a Canadian statute, the death having occurred in Canadian waters and Canada having a death statute. These cases were within territorial waters. Later two Delaware vessels collided off the coast of Virginia. Five passengers and three mariners were drowned. Suit was brought under the Delaware statute on the ground that these ships were legally a part of the State of Delaware, although they were at the time on the high seas. The contention was sustained and judgment rendered, and it has become the established policy of the courts to apply State statutes in such cases.

NOW THE SHIPOWNERS WANT A FEDERAL STATUTE.

The State laws are inconsistent one with the other, and there are a multiplication of complications that may arise, but the shipowners are now willing to cooperate in the enactment of a Federal death statute. I believe Congress should not take any action till an act can be passed that measures up to present standards. I interposed an objection to a proposed makeshift recently and prevented its passing the House by unanimous consent.

The act should be a Federal workman's compensation act for all carriers, both by water and rail, which, of course, would include a provision for compensation in case of death. The present complications between State and Federal jurisdiction are, to say the least of it, very exasperating. The un-American and inhuman liability statutes have already been referred to, but court rules authorized by these statutes are very much against the interest of the claimants in the application of the State statutes. It would seem that if State laws can be applied the right of jury trial would follow. Jury trial, though permissible in certain cases, is rarely granted in an admiralty court. It breaks the shipowner's heart to have to face a jury; he likes the ordinary assessment of damages by a Federal judge so much better than by jurors in a State court, so now he wants a Federal act.

Rules 54 and 56 in admiralty, prescribed by the Federal court under authority of Congress, do about as much enacting as the statutes themselves. These rules provide that when a shipowner shall file suit to limit his liability in an admiralty court the judge of such court may at once stop all pending suits against him in any other court in the United States and order them all assembled before him, and he may issue an injunction prohibiting any person from suing the shipowner before any judge but himself. This, of course, enables the shipowner to pick his judge and then compel all claimants to bring their claims to the forum thus selected and abide the decrees or await orders of this particular judge, including all delays for appeals to higher courts touching the question of limiting liability. By this injunction process this Federal judge in admiralty is enabled to supersede all other judicial forums wherein claimants may have preferred to file their claims. And, of course, the liability decree of the admiralty court is binding on all parties.

These court rules add to the statute matter which no doubt Congress would have refused to enact, notwithstanding the rush of a last day of emergency and unanimous-consent legislation such as was going on when Senator Hamlin put through his liability statute. By this court rule the extraordinary writ of injunction is conferred to supersede all other State or Federal jurisdiction. Congress would have spurned a statute providing for such an injunction, but an admiralty judge passed the necessary legislation in his study.

THE "TITANIC" AVOIDS ENGLISH JUSTICE.

The pending cases against the Oceanic Steam Navigation Co. (Ltd.) for loss of life and property on the *Titanic*, to which I have already referred, illustrates the injustice both of this limitation of liability statute and the injunction against other suits provided by enactment of the Federal judge through the rules of court.

The incidents connected with the *Titanic* disaster are fresh in the minds of all. The *Titanic*, a ship of British register, was built in Belfast and launched in 1911 under the ownership and control of the Oceanic Steam Navigation Co. (Ltd.), also known as the White Star Line. On April 10, 1912, the *Titanic*, with passengers and cargo on board, left Southampton on her maiden voyage bound for New York. On April 14, at about 11.40 p. m., in midocean, latitude 41 degrees 46 minutes north and longitude 50 degrees 14 minutes west, the ship came into collision with an iceberg, and at 2.20 a. m. on April 15, 1912, she sank, a complete loss, except 14 lifeboats, which were saved. Seven hundred and eleven persons of her crew and passenger list were saved and a large number perished, as well as her entire cargo, including freight, baggage, and mails.

THE "TITANIC" OWNERS ARE SUED IN MANY COURTS.

In due course a large number of suits and claims were filed against the owners of this vessel in American courts. These complainants sought to hold the *Titanic* owners under the law of the flag, but the English company became very American all of a sudden.

There is an English liability law governing shipowners, but even the reputed selfishness of John Bull had not permitted any such liability limitation as the United States had provided. The British act provides a limitation of £15 per ton of ship and cargo. In the case of the *Titanic* English liability law would render the owners of the vessel liable for an amount aggregating $3,000,000. The American statute would limit the liability to $96,000, plus the value of the *Titanic*, as it now lies at the bottom of the ocean, and allow the English company to pocket the insurance for the full value of the vessel.

The Oceanic Steam Navigation Co. (Ltd.) had offices in several cities of this country, and hoping to apply the English statute, as the Taft decision had applied Canadian law, proceedings had been brought against the owners for damages sustained by reason of the *Titanic* disaster, as follows:

In the United States District Court for the Southern District of New York: By Louise Robins, as administratrix, and so forth, of George Robins, deceased, for damages for loss of the life of George Robins.

In the supreme court, New York County, N. Y.: By Frederick W. Shellard, as administrator, and so forth, of Frederick B. Shellard, deceased, for damages for loss of the life of Frederick B. Shellard.

In the superior court, Cook County, Ill.: By John Devine, as administrator, and so forth, of A. Willard, deceased, for damages for the loss of life of A. Willard.

In the district court, Ramsey County, Minn.: By Carl Johnson, for damages for alleged personal injuries sustained and for loss of baggage. By Oscar Hedman, for damages for alleged personal injuries and for loss of baggage.

ENGLISH DEFENDANTS CHOOSE THE COURT AND NAME THE JUDGE.

Of course, the wise English shipowners did not want these American passengers and employees and their dependents to carry on these proceedings in these several American courts. Why, they would have jury trials there just like they have in England—quick trials, too. They have already had their trials before juries in England and judgments paid long ago.

They naturally wanted all such cases tried in some court of their own selection, before some judge of their own selection, and, of course, without a jury. They wanted the court domiciled in a convenient place. They preferred the hill to come to Mahomet rather than for Mahomet to go to the hill, and they could go Mahomet one better, for they could have their way and Mahomet could not. They selected a Federal judge who has recently withdrawn from the bench because he could not afford to lose his lucrative practice any longer.

Then they wanted American liability law applied, if possible, so as to let them off on $96,000 liability rather than English law, with $3,000,000.

All of a sudden, like a bolt of lightning out of a clear sky, these litigants and all other claimants that can be found, and, of course, the shipowning company had the whole list, are searched out by a United States marshal, and an order of this learned Federal judge of the Southern District of New York is served upon them, each and every one, and they are commanded to quit suing these English shipowners in any court but that of the said judge. And all who have not yet commenced suit are ordered to come before this particular judge with their complaint. Here we have the spectacle of an English corporation which has already been compelled by a jury in England to pay up English claims compelling American citizens on American soil to go across the country to a forum of its own selection to have their cases tried. Congress could not have been forced to pass such a law, but the court's rules were sufficient.

THE STANDARD OF LIABILITY SHOULD BE IDENTICAL ON SEA AND LAND.

The United States Supreme Court has finally ruled on this case, and decided that American liability law is to be applied, and not English liability law. This decision makes it so much more imperative that the antiquated and uncivilized standards of American liability for shipowners be abandoned and the same standard applied on the water as on the land. It is absurd to hold jury trial as an inestimable boon of liberty in civil disputes on the land, but deny it in disputes arising on the water. The seaman's bill is designed to free sailors and seamen from arrest for desertion. A farm hand can quit and work in a sawmill or a factory if he wants to. Why should a human being working on a boat have less privilege?

The day of wiping out this haven of lawless big business on the mighty main is at hand. It is imperative that the legislation be enacted, not by the shipping rings and the steamboat companies but by those who get their orders from the people direct. There is pending now in the National House of Representatives a bill, introduced by me, House bill 12807, which would extend the principle of the employers' liability law so it would apply to all the jurisdiction of the United States, whether on land or water. There is no reason why it should be restricted to interstate commerce by railroad, as is now the case. I ask for the help of the public in the passage of this bill. It is now before the Judiciary Committee.

There is pending an absurd shipowners' bill for compensation in case of death at sea—House bill 6143. It is a lame attempt. It harks back to days of uncivilized industrial conditions and ought not to have a moment's consideration. Yet it was presented in the most plausible way, indorsed by leading proctors in admiralty and the American Bar Association. It would probably have passed the House recently by unanimous consent except for my persistent objection. One section of this shipowners' bill for relief from the effect of State laws now in force reenacts and reaffirms the present infamous liability protection for shipowners. Another section provides for damages for "pecuniary loss sustained" only. Another section protects the shipowner with the doctrine of "comparative negligence." Another section shuts out jury trial by forcing all such cases exclusively into admiralty courts. Before such a relic of barbarism could be enforced on the railroad employees of this country there would be a revolution. Yet the shipowners will do their best to put through Congress just such a makeshift.

I am unalterably opposed to ship subsidies. I do not believe in holding up one man for the benefit of another. I believe President Wilson has discovered the real germ, he has the bug that causes all the trouble, when he puts his hands on the steamboat owners' profit. I want Government ownership of the coastwise traffic. I want a Federal monopoly; but I want the Government to collect the freights and the fares, as well as to bear all the expenses and assume all the risks. I have introduced a bill that really means Government ownership of vessels. It would help shippers and manufacturers by transporting our goods to South America at cost. Steamboat owners' profits would be at an end, and our labor would be benefited by increasing the exports and the volume of the manufactured goods. Our trade would be wonderfully extended in South America if my bill were adopted. It involves humane conditions and carries the provisions of the seamen's bill, which are needed in order to do simple justice.

The plan for the Government to invest in vessels and then forbid these Government owned and operated vessels from carrying freight from port to port and from ocean to ocean in our coastwise trade is an unthinkable proposition, and will surely have all the opposition I can give it.

The bill I have introduced is as follows:

A bill (H. R. 18313) to authorize the President of the United States to acquire, own, operate, and maintain an American merchant marine.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, empowered, and directed, without unnecessary delay, to purchase, lease, construct, or acquire, either by purchase of stock of owning or controlling corporations or otherwise, such vessels as may be necessary to handle such portions of the coastwise passenger and freight traffic of the United States and of the Great Lakes and between ports on the Western Hemisphere as may be induced to ship or take passage on such vessels so acquired.

SEC. 2. That such vessels as may be acquired under this act shall be operated by the United States Government under such schedules, rules, and regulations as may be provided subject to the terms of this act: *Provided*, That the rates and schedules shall be so fixed and regulated from time to time, as near as may be possible, to pay all expenses of operation and create a sinking fund of not less than 2½ per cent of the total investment of the United States in such vessels and other necessary equipment until all of said investment is repaid into the United States Treasury, together with 3 per cent interest on such sum.

SEC. 3. That no privately owned vessel hereafter constructed or registered under the laws of the United States shall engage in the coastwise traffic of the United States, except traffic in inland waters (not the Great Lakes) or between such ocean ports or ports on the Great Lakes as in the opinion of the commission created by this act the United States Government is not prepared to operate or where such private operation may be deemed advisable by such commission. In all such cases license for such operation shall be given in writing: *Provided*, That this act shall have no reference whatever to traffic on inland waters except the Great Lakes, it being the purpose of this act to establish and maintain a Government owned and operated monopoly of all coastwise and Great Lakes shipping between ports of the United States in the Western Hemisphere and of all other shipping on American vessels between ports in the Western Hemisphere: *Provided further*, That the rights of vessels now engaged in such traffic shall be preserved until such vessels are acquired by the United States, or shall cease to be seaworthy, under such laws or rules and regulations as may be or become applicable from time to time.

SEC. 4. That in time of war, whether the United States Government be directly involved therein or not, the President shall have the right and authority to transfer any vessel to the Navy for such use as may be deemed necessary.

SEC. 5. That the President is hereby authorized and directed to transfer to the service provided for by this act such vessels of the Navy as, in his discretion, are available from time to time without impairment of the paramount duties of the Navy and are appropriate for such service.

SEC. 6. That the said vessels and the entire service provided for by this act shall be managed and controlled by a commission, to consist of the President, the Secretary of Commerce, and the Secretary of the Navy. The entire service shall be known as the American Marine Transportation Service, and the said commission shall have authority to sue and be sued under said designation. Said commission shall designate a chief, subject to removal by the said board, who shall have no power or duty other than the operation of the service herein provided. The duties of inspection, supervision, fixing of rates, schedules, and wages, and all rules and regulations authorized or provided for by this act shall devolve upon the said chief, acting under authority of the said commission.

SEC. 7. That all operations under this act shall be governed by further provisions, as set forth in this section:

The hours of labor of all persons employed shall not exceed 48 per week, save in emergencies wherein life or property is in imminent danger.

A minimum wage scale shall be fixed by the commission herein provided, and no wage shall be paid upon a scale of hourly wages lower than the minimum wage scale fixed by the President, as provided in this act.

No person under the age of 16 years shall be employed for any purpose.

SEC. 8. That the commission shall make general rules and regulations—

To insure the safety of operatives employed in the enterprises provided for in this act.

To provide for detailed reports upon all accidents or occupational diseases.

To provide for just and reasonable compensation in the case of all operatives in any enterprise who may be injured or killed or who may contract any occupational disease in the course of their work, without regard to negligence of such operative, in any case where compensation shall inure to the benefit of dependents.

To provide for a system of insurance of operatives employed under this act in cases of sickness, injury, or death.

To provide for an adequate system of sanitation, housing, and general living conditions for the operatives engaged under this act.

To carry out and enforce the provisions and ultimate purpose of this act, said purpose being to provide transportation of freight and passengers at the lowest price consistent with the maintenance of the welfare of all operatives, the stimulation of efficient service, and the maximum and at the same time most economical utilization of said properties.

SEC. 9. That in all vessels of the service therein provided of more than 100 tons gross the sailors shall, while at sea, be divided into at least two and the firemen, oilers, and water tenders into at least three watches, which shall be kept on duty alternately for the performance of ordinary work incident to the sailing and management of the vessel, and seamen serving in one department of a vessel shall not be required to do duty in another department; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo or for the saving of life aboard other vessels in jeopardy. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or legal holidays, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage; and at all other times while the vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work.

SEC. 10. That the masters of all vessels shall pay to each seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within 24 hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him.

SEC. 11. That every seaman shall be entitled to receive, within 48 hours after demand therefor, from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended; and all stipulations to the contrary shall be void. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him under such conditions as are applicable to payment of wages to other Government employees.

SEC. 12. That on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of less than 100 tons register, every place appropriated to the crew of the vessel shall have a space of not less than 100 cubic feet and not less than 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a berth for his exclusive use, and not more than one berth shall be placed one above another; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

All merchant vessels of the United States, the construction of which shall be begun after the passage of this act, having more than 10 men on deck must have for the use of the sailors at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every 2 men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed 10, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of washbasins, sinks, and shower baths.

SEC. 13. That whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses he shall be punished as follows:

First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

Third. For quitting the vessel, without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court having legal jurisdiction, by imprisonment for not more than one month.

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than 3 months, at the discretion of the court having legal jurisdiction.

Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than 12 months.

Eighth. For any act of smuggling for which he is convicted he shall be liable to imprisonment for a period of not more than 12 months.

Ninth. In no case shall any seaman be imprisoned, except while at sea, and until the vessel arrives at its home port, except by due process of law, which shall include jury trial.

SEC. 14. That flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable.

That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children, under such regulations as may be established by the proper officer, and no wages due or accruing under this act shall be subject to attachment or arrestment.

SEC. 15. That the crews of all vessels, as near as may be practical, shall be American citizens who speak the English language, but in no case shall any vessel have on board a crew less than 75 per cent of which, in each department thereof, are able to speak the English language, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman: *Provided*, That every such vessel carrying passengers shall be provided and equipped with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel and that she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher, who shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the board of supervising inspectors with the approval of the Secretary of Commerce: *Provided further*, That the board of supervising inspectors be, and are hereby, authorized and directed to prescribe rules and regulations, to be approved by the Secretary of Commerce, to provide, in harbor and at sea, for lifeboat drill and fire drill to be held for the training of the crew in fighting fire, in abandoning the vessel, and in caring for the passengers.

No person shall be rated as an able seaman unless he is 19 years of age or upward and has had at least three years' service on deck at sea or on the Great Lakes. Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit, under rule approved by the Secretary of Commerce, showing the nationality of the applicant and the vessel or vessels on which he has had service and that he has had at least three years' service on deck at sea or on the Great Lakes, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

SEC. 16. That vessels under the service herein provided shall, except as herein provided, be subject to the laws and rules of navigation affecting privately owned merchant vessels of the United States of America.

SEC. 17. That the sum of $25,000,000 is hereby appropriated, to be paid out of any money in the Treasury of the United States not otherwise appropriated, to be expended in the discretion of the commission created by this act, for the purpose of acquiring such vessels and incurring such expenses as may be deemed necessary in organizing, inaugurating, and carrying on the service provided for in this act and in defraying the operating expenses incident thereto: *Provided*, That all money received for the transportation of passengers and freight, and from all other sources incident to the operation of the said line or lines, is hereby made available, in addition to the aforesaid sum of $25,000,000 herein appropriated, for expenses incident to the establishing and conducting of the business contemplated in this act: *Provided further*, That any sum of money herein appropriated which remains unexpended at the end of the fifth fiscal year after the passage of this act, and at the end of each fiscal year thereafter, shall be covered into the Treasury of the United States.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that all those who speak on the bill may have leave to revise and extend their remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all who speak on this bill may have five legislative days in which to extend their remarks on the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. CANTOR].

Mr. BUTLER. Mr. Speaker, the only way to earn your salary is to be here. I think the audience is small, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point that there is no quorum present; evidently there is not.

Mr. ALEXANDER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Esch	Howell	Peters
Aiken	Estopinal	Hoxworth	Platt
Ainey	Fairchild	Johnson, Ky.	Plumley
Ansberry	Faison	Jones	Porter
Anthony	Fess	Kent	Powers
Aswell	Finley	Kindel	Rainey
Austin	Fitzgerald	Kirkpatrick	Riordan
Barchfeld	Flood, Va.	Knowland, J. R.	Rogers
Barkley	Foster	Konop	Rubey
Bartholdt	Fowler	Lafferty	Rucker
Bartlett	Francis	Langham	Sabath
Beall, Tex.	Frear	Langley	Saunders
Bell, Ga.	Gallivan	Lazaro	Seldomridge
Brown, N. Y.	Gardner	L'Engle	Shackleford
Browne, Wis.	George	Lenroot	Sherley
Browning	Gill	Levy	Sherwood
Brumbaugh	Glass	Lewis, Pa.	Slemp
Bulkley	Godwin, N. C.	Lindquist	Smith, Md.
Calder	Gordon	Linthicum	Smith, N. Y.
Cantrill	Gorman	Loft	Steenerson
Church	Graham, Ill.	McGillicuddy	Stephens, Tex.
Clancy	Graham, Pa.	McGuire, Okla.	Stout
Cooper	Griest	McKenzie	Stringer
Copley	Guernsey	Mahan	Switzer
Covington	Hamill	Mann	Taggart
Crisp	Hamilton, Mich.	Martin	Thacher
Decker	Hamilton, N. Y.	Merritt	Underhill
Dickinson	Hardwick	Miller	Vare
Dies	Hayes	Morgan, La.	Walker
Dillon	Heflin	Mott	Wallin
Dooling	Hensley	Mulkey	Watkins
Doolittle	Hill	Murdock	Whaley
Dupré	Hinds	Neeley, Kans.	Wilson, N. Y.
Eagle	Hinebaugh	Padgett	Winslow
Elder	Hobson	Patton, Pa.	Witherspoon

The SPEAKER. On this roll call 291 Members have answered to their names—a quorum.

Mr. ALEXANDER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from New York [Mr. CANTOR].

Mr. CANTOR. Mr. Speaker, during the past few days meetings have been held in New York attended by many of the leading exporters of manufactured articles, and all of them doing business in foreign countries. They have had under consideration the question of the moratorium which has been declared by those countries now engaged in armed conflict. This renders it impossible for these merchants to secure payment of the moneys due them by residents of those countries, while they are compelled to pay all their obligations due abroad.

The result of these meetings was the adoption unanimously of a resolution which I have been requested to present to this House and which I will ask the Clerk to read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

We are informed that foreign acceptances payable in England, France, or Germany are subject to the provisions of the moratoriums promulgated in these countries, respectively, if the acceptances were made before the moratoriums became effective; and we are also informed that the moratorium operates to extend the due date of the draft until the expiration of the extension provided for thereunder, and that payments can not be made until such expiration.

We have been advised by counsel and by leading domestic bankers, and it is the sense of this meeting, that such drafts or acceptances must be regarded as not maturing until the expiration of the extension under the moratorium, and that payment before that date can not be made or required. Payment of such drafts can not in any event be safely made except upon the surrender of the original draft.

Mr. CANTOR. Mr. Speaker, this is a matter of extreme importance to many of our business men engaged heavily in the export trade. It is impossible to estimate how many millions of dollars are due these merchants upon which they had a right to rely for the payment of their own obligations, both here and abroad. It was suggested that our Government also declare a moratorium similar in character to those declared abroad; but it is a question whether we have the right under the Constitution to do it or whether it would be a wise policy for the United States to pursue, even if we had the right to do so. It is possible that the individual States would have the right, but it is almost clear to me that the Federal Government did not possess the power. It was for these reasons that I have hesitated to introduce a resolution or bill in this House in relation to this subject, and for the additional reason that being a question of national policy of almost the highest character, the matter would more justly and properly belong to some other department of our Government. I do not believe that the emergency is great enough now to warrant such action. I ask that the resolution be referred to the appropriate committee for such consideration or action as it may deem proper.

The SPEAKER. The resolution will be referred to the Committee on Banking and Currency.

Mr. RAKER. Mr. Speaker, during the Sixty-second Congress when the seamen's bill was before the House I then supported that measure, and have been in favor and am in favor of the seamen's bill at this time.

I shall vote for this substitute because it agrees with the Senate bill in changing the status of the seamen from that of serfdom to freedom. Altogether too long have we maintained laws that come to us from the early Middle Ages that are at variance with the concepts inculcated by modern education and at variance with our own fundamental law. Our own countrymen began quitting the sea more than 50 years ago, and for a long period of years we have been dependent upon European nations not only for our sailors and firemen, but also for officers to man our merchant vessels.

The same underlying cause that has discouraged seamanship here in the United States has of late years seized upon and is doing the same thing in European countries. The underlying cause is the same in all. The results flowing from it are the same, and as the white man is quitting the sea the oriental is employed already to such extent that a very large number of cargo-carrying vessels coming to our ports are manned by men from India, China, and the Malay Islands.

The breaking out of the present European war and what has taken place in our own ports indicate clearly the want of wisdom for any nation in depending upon alien races and alien nationalities in the manning of their merchant vessels. All the vessels held in our ports by the war are in one way or another seeking to get rid of such of their men as are alien in nationality and race, and this shows how unfortunate would be our own position if at any time we should be placed in a position in which we must depend upon our own people. The policy followed for nearly a hundred years has been such as to discourage both capital and labor from seeking the sea.

The ocean is free except for such combinations as are formed, and the competition will under normal conditions deliver the world's freight-carrying business into the hands of those who can do it cheapest. The indispensable condition for the participation in any over-sea commerce, therefore, is equal cost of construction, equal cost of operation. Excepting some obstructions which I expect to see removed in the conference, my opinion is that the passage of this bill will equalize the cost of operation.

There is, however, a more compelling, because a moral, reason for the enactment of this legislation. This is expressed in the following petition, which was adopted by the seamen of the United States in December, 1909, and by the representatives of the organized seamen of Europe at an international conference held at Copenhagen in August, 1910:

To those who govern nations, to those who make the laws, to humanitarians, democrats, Christians, and friends of human freedom everywhere, do we, the seamen, the yet remaining bondmen, humbly yet earnestly submit this our petition, that we be made free men, and that the blighting disgrace of bondage be removed from our labor, which once was considered honorable, which is yet needed in the world of commerce, and which has been held to be of great importance to nations with seacoasts to defend.

Existing maritime law makes of us seamen, excepting in the domestic trade of the United States, the property of the vessel on which we sail. We can not work as seamen without signing a contract which brings us under the law. This contract is fixed by law or authorized by Governments. We have nothing to do with its terms. We either sign it and sail, or we sign it not and remain landsmen.

When signing this contract, we surrender our working power to the will of another man at all times while the contract runs. We may not, on pain of penal punishment, fail to join the vessel. We may not leave the vessel, though she is in perfect safety. We may not, without our master's permission, go to a mother's sick bed or funeral, or attend to any other duties of a son, brother, a Christian, or a citizen, excepting in the domestic trade of the United States.

If the owner thinks he has reason to fear that we desire to escape, he may, without judicial investigation, cause us to be imprisoned for safe-keeping until he shall think proper to take us out. If we have escaped, he may publish our personal appearance along with a reward for our apprehension and return. He may, through contracts between nations, cause the peace officers and police to aid him in recovering his property. The captain may change, the owner may change—we are sold with the vessel—but so long as the flag does not change, there is nothing except serious illness or our master's pleasure that will release us from the vessel.

The master, acting for the vessel, may release himself and the vessel by paying a few dollars, with no alternative.

He that owns another man's labor power owns his body, since the two can not be separated.

We stand in the same relation to the vessel as the serf did to the estate, as the slave to his master. When serfdom was abolished in western Europe we were forgotten by the liberators and our status remained. When the slaves of the United States and Brazil were emancipated our status continued. When serfdom was abolished in Russia no change came to us.

We now raise our manacled hands in humble supplication and pray that the nations issue a decree of emancipation and restore to us our

right as brother men; to our labor that honor which belonged to it until your power, expressing itself through your law, set upon it the brand of bondage in the interest of cheap transportation by water.

We respectfully submit that the serfdom of the men in our calling is of comparatively modern origin. Earlier maritime law bound, while in strange countries and climes, the seaman to his shipmates and the ship, and the ship to him, on the principle of common hazard. In his own country he was free—the freest of men. We further humbly submit that, as the consciousness of the seaman's status penetrates through the population, it will be impossible to get freemen to send their sons into bondage or to induce freemen's sons to accept it, and we, in all candor, remind you that you, when you travel by water, expect us—the serfs—to exhibit in danger the highest qualities of freemen by giving our lives for your safety.

At sea the law of common hazard remains. There must be discipline and self-sacrifice, but in any harbor the vessel and you are safe, and we beseech you give to us that freedom which you claim for yourself and which you have bestowed on others, to the end that we may be relieved of that bitterness of soul that is the heavy burden of him who knows and feels that his body is not his own.

On the subject of safety at sea the bill is not satisfactory, but I have faith that the committee of conference will so improve this measure as to make it more like the Senate bill, and thus make it more conservative, more practical in its operation, and more tending to the safety of the traveling public. On this subject I desire to put into the RECORD a resolution that was adopted by the Consumers' League when it met here in Washington, and which has been indorsed by a very large number of similar organizations throughout the country.

Whereas it has become clearly evident that passenger vessels which will not sink or burn are not now and can not be built; and

Whereas the several nations have up to the present failed to provide an adequate number of seaworthy lifeboats for all persons on board with a sufficient number of real seamen to manage such boats; and

Whereas the loss of the *Titanic*, with nearly 1,600 lives, furnished conclusive proof that shipowners will accept more passengers than can be given any protection in emergencies, and that national regulations, both as to lifeboats and men, were then wholly inadequate; and

Whereas the loss of life in the burning of the *Volturno* furnished additional proof by showing an insufficient number of real seamen to manage the lifeboats on board of her; and

Whereas the loss of life caused by the sinking of the *Monroe* proves that nothing effective has so far been done, either by the Governments or the shipowners themselves, to properly care for the safety of passengers; and

Whereas the London conference on safety of life at sea made recommendations in some instances ineffective, in other instances legalizing existing unsafe practices; and

Whereas the number of persons permitted to be carried by vessels in the domestice passenger trade being subjected to the unrestricted discretion of the United States inspectors has resulted in the vessels being so crowded with passengers that according to the shipowners' testimony they can not carry lifeboats for all persons on board; and

Whereas the Supervising Inspector General in explaining the policy of the Steamboat Inspection Service admitted that only 8 or 9 square feet on deck for each passenger is all that is generally allowed on excursion steamers, and that vessels while within 5 miles from shore, but any distance from harbor, may sail with 3,600 passengers, although having lifeboats for only 90 persons and rafts for only 270 persons. The "safety" offered the other 3,240 people is, in case of fire or sinking, under present regulations, to put on life preservers, take their children in their arms, and jump overboard; and

Whereas the La Follette bill for safety of life at sea, which passed the United States Senate on the 23d of October last, provides seaworthy lifeboats for all persons on board and a crew sufficient to man each lifeboat with at least two able seamen or men of higher rating—surely reasonable and conservative safety provisions—is now being resisted in its passage through the House of Representatives by the combined influence of American and European shipping companies: Therefore be it

Resolved, That we urge upon Congress the immediate passage of the La Follette bill for safety of life at sea, and that pending such measure we advise the public to refrain from any but necessary travel by water; and be it further

Resolved, That we advise those who must travel, either on the ocean or on the Great Lakes, to carefully investigate the equipment and manning of passenger vessels, comparing the same with the standard set by the La Follette seamen bill, before purchasing tickets.

This resolution was adopted before the loss of the *Empress of Ireland*, the loss of which seems to me to furnish the absolute proofs of untrustworthiness of the contentions of those who oppose proper safety legislation. The loss took place near the mouth of the river, but little over a mile from shore; the wireless was working until she sank; help came within two hours, and yet more than 1,000 people were drowned.

Keeping in mind that the purpose of this legislation is threefold—namely, to give freedom to the seamen, promote safety at sea, and to promote the growth of an American merchant marine by equalizing the cost of operation of foreign and American vessels trading from and to American ports—it must be said that this substitute will not accomplish the purposes intended in the way that it ought to.

It is to be hoped and expected that the conferees of the Senate and the House together will succeed in agreeing to a report which will finally make a practical, workable, efficient law.

The differences between the Senate bill and the committee substitute are of such nature that there is ample opportunity for an agreement such as will accomplish the purposes intended and results desired. I have confidence that the conferees will come to such understanding and agreement or I should very seriously hesitate voting for the bill.

The two bills are alike in this, that they repeal statutes and provide a means of abrogating or amending treaties under which American seamen are arrested, detained, and surrendered back to their vessels under treaties with foreign nations, and under which the United States arrests, detains, and delivers to their vessels any foreign seamen who may desert—that is, violate their contract to labor—within the jurisdiction of the United States. They are further alike in this, that the seamen on foreign vessels in American ports and American seamen in foreign ports have a right to demand and receive one-half of the wages earned, excepting in this, that the Senate bill provides that the money shall be paid within two days after demand therefor in any port where a vessel loads and discharges cargo, while the substitute has no such provision, but provides that such demand may not be made oftener than every sixth day. Thus the substitute may be so construed that half pay may be withheld until the vessel is about to leave, thus leaving no time to have the right in force.

The Senate bill provides for the absolute prohibition against payment of advance or allotment to original creditor, and makes it applicable to all vessels within the jurisdiction of the United States. The substitute adds the following proviso:

Provided, That treaties in force between the United States and foreign nations do not conflict therewith.

It is to be hoped that the conferees will strike this proviso out, because it will permit some merchant vessels to pay advance in ports of the United States while it will be prohibited to American vessels and to some foreign vessels, and the vessels who have this right will always be able to obtain cheaper crews than those who have not. It is a special privilege conferred upon some nations' vessels that will work to the disadvantage of other nations' vessels, including American vessels, and it is a serious and crying evil, under which the seamen have too long suffered and under which the crimping system has flourished. To strike it out means equalizing the condition to all vessels and to wipe out the crimping system, in so far as American ports are concerned. (Sec. 11, p. 35.)

Section 1 in the Senate bill is sections 1 and 2 in the substitute. Section 2 of the substitute deals with the hours of labor and working conditions, both at sea and in port. The exemption of bays or sounds, on page 22, line 19, will, unless modified or stricken out, permit the undermanning and overworking of a large number of vessels trading along the coast. Bays and sounds are indefinite terms. A bay may be nearly sheltered or wide open to the ocean. It may be small or large. One need but look at the map of the United States to realize that this expression should be stricken out. It was evidently put in to preserve the present working conditions in those places, but the present working conditions has been responsible in the past for such disasters as the *General Slocum*, the *Monroe*, and others.

The Senate bill provides there shall be no unnecessary work on Sundays or legal holidays. The committee substitute provides specific days as holidays, leaving out very many State holidays. This will cause friction that might much better be avoided by permitting to the men the enjoyment of such holidays as shall be celebrated in ports of the United States where the vessel happens to be at the time.

Section 13 of the substitute corresponds to section 12 of the Senate bill. In dealing with individual efficiency the difference between the two does not seem material. But in the matter of safety the difference is so great that I should hesitate to vote for the bill if I did not believe that the committee on conference will deal with this matter from the point of view solely of the safety of the traveling public.

The Senate bill provides lifeboats for all and two able seamen or men of higher rating for each lifeboat. The substitute leaves this matter out of section 13 and introduces a section 14 in which it seems to deal with vessels of the United States. And then it goes on to determine what is a seaworthy lifeboat, what is a proper pontoon raft, the number of boats that are to be carried, the number of rafts that are to be carried, specifying the waters, and treating the open sea differently within the 20-mile limit than outside of the 20-mile limit, permitting vessels within the 20-mile limit a certain time of the year; that is, from May 15 to September 15, to run with 30 per cent of its passengers and crew without either boats or rafts. For the same period it provides 20 per cent of boats, 30 per cent of rafts, and 50 per cent of the passengers to be without either means of safety on the Lakes. And this in spite of the experience of the *Monroe*, the *Empress of Ireland*, and the tremendous losses of human life on the Lakes within the last five years.

In place of two able seamen or men of higher rating for each boat, there is on pages 65 and 66, a provision for what is called

"Certificated lifeboat men." This is an innovation on shipboard, so radical and fraught with such consequences, both from the point of view of safety and of discipline, that I look upon it with the greatest apprehension. The preparation and training of the certificated lifeboat men is such that the qualifications may be attained after a week's training in smooth water drilling with an empty boat, manifestly an ineffective preparation for the most difficult and most important of the work that a seaman has to perform, namely, the saving of human life in case of disaster. Industrially and from the point of view of discipline, I feel sure that the burden upon the shipowner will be greater under the substitute than under the Senate bill, and I do hope that both for the sake of safety to the public and expense to the shipowner, the conferees may give to this particular point earnest and painstaking consideration.

On page 67, "a licensed officer or able seaman" is to be placed in charge of every boat or raft. This means that an engineer will be placed in charge of a lifeboat. There is nothing in his work that prepares him for this. It will be done over his protest and to the serious endangering of human life. It should read "a licensed deck officer or able seamen." There surely ought at least to be one man in the boat who is accustomed to the sea and knows enough about it to work with it for the safety of himself and those who are in the boat with him.

Mr. ALEXANDER. Mr. Speaker, I yield eight minutes to the gentleman from Ohio [Mr. BOWDLE].

Mr. BOWDLE. Mr. Speaker, what irony and fatuity seem to preside over some of the efforts of us men. Warring nations are trying to make the sea unsafe, while we are to-day trying to make the sea safe.

The expression "safety at sea" gives us a thrill. We actually think that we, with ink and paper, are the makers of it. We are not. Experience makes such safety, at sea and elsewhere, as may be obtainable, and then the law follows after, declaring to be necessary the thing found to be sensible. In this the law, as usual, is a kind of ex post facto performance—but good at that.

About 90 per cent of all good things in this bill are actually in maritime practice now, as the result of the *Titanic* disaster—I mean in relation to life-saving apparatus.

But the bill is good simply in that it tends to unify the practices touching safety. The *Titanic* disaster started this whole subject. The criminal neglect disclosed there aroused the world in never-to-be-forgotten fashion. What happened so startled the companies that in their advertisements and literature they are now careful to accent the fact that "there are lifeboat accommodations for all." The *Titanic* was a good deal like the individual life; it had everything aboard but lifeboats.

How much safety at sea can we get? Well, compared with the number of persons carried, safety at sea is greater right now than safety on land. Time would fail me to list those companies, commencing with the Cunard Co., which show pompous lists of millions carried and not a life lost. But the two late disasters—*Titanic* and *Empress of Ireland*—aroused us. We are now determined to prevent certain negligences which some claim were at the bottom of those accidents.

But, how much safety can be created at sea?

The question really is, What is the best apparatus for saving life when it becomes necessary to abandon the vessel after a disaster? This, I insist, is the real question. But some will say, Why not prevent those accidents just as doctors are trying to prevent disease? Well, everybody is now trying to prevent accidents at sea and elsewhere, and a good deal of progress is being made; but this bill before us has to do with methods of getting away after a disaster; that is, we are trying to make such accidents as are still likely to occur safe accidents.

How to make maritime accidents safe—this is the question. But why not abolish accidents, when we have so much paper and ink still idle?

Let men consider this: We can not abolish fog by law. Icebergs will not melt under the heat of congressional wrath. And great vessels will continue to make records through fogs and mists; and, without making records, vessels will sometimes continue to strike each other amidships and wound themselves in a way that will allow but few to be saved—which was the *Empress's* case—and such disasters will continue to be fearful and more fearful as we continue to build and use these insane leviathans.

I must pause to nail some widely diffused misstatements in relation to the responsibility for the loss of the *Volturno* and the *Empress of Ireland*, done by inexpert and thoroughly irresponsible writers and done for the purpose of reflecting on our committee.

It has been said that the loss of life on the *Empress* was due to lack of life-saving facilities and lack of competent seamen. The statement is false.

The 800 drowned dead still locked in their staterooms, many of whom did not even awaken, are mute witnesses to this untruth. The boat sank in some nine minutes in 140 feet of water, and when the first passengers got on deck the list was so terrible that the boats were unusable in the main and it was almost impossible to cling to the deck. No amount of apparatus could save life under such appalling conditions. Some persons have aspersed the crew because so many were saved. As the watch was up and vigilant, they were the only men who could have been saved in that rush of water. Indeed, that accident was of a character which actually crushed and killed outright hundreds in their rooms.

There is not a thing in this bill, nor could there be a thing in any bill, which would have prevented what happened to the *Empress* or her passengers.

As to the *Volturno*, it has been charged by certain persons that the loss of life there was due simply to lack of competent seamen. This is not true. For hours great liners stood by trying in vain to launch boats in the boisterous sea. Finally some six steamers went to windward of her and formed a wind and wave break. This was quite effective.

When the *Kroonland*, whose crew Congress has thanked for bravery and seamanship, reached the scene, so great was the danger to those who would attempt to go to the rescue that the captain, instead of ordering his men to go, asked for volunteers, agreeably with the law of the sea. I speak of this simply to indicate that there are times when no boats and no seamanship can prevent disaster, when no congressional enactment can stay the protean hand of destruction of "Old Ocean's grey and melancholy wastes."

I observe, by the way, that Members in this House, in rising to speak, sometimes have a modest way of recommending what they are about to say by telling of whatever peculiar qualification they possess for speaking on this or that subject. Business men always advise us as business men. During the tariff debate manufacturers assured us that they should be listened to because they were manufacturers. Bankers, during the currency debate, gave "an atmosphere of verisimilitude to what was otherwise a bald and unconvincing argument" by saying that they spoke as bankers. Let me therefore emulate them in this wise course, and say that I am familiar with ships and maritime engineering, serving as an apprentice in one of the great shipyards of this country. I know seafaring men and something of seafaring matters, though I have not been to sea; I know ships, their weaknesses, and the dangers which menace them. Men who work around shipyards are usually men who have been to sea in some capacity or other, and though my own modest work was wholly with marine engines, I know the ships which they propel and the accidents which befall them.

When one boards a ship the first thing that impresses him is that the sea is not safe. The great lines of boats in their davits tell him that it may become perfectly convenient to quit the ship.

Entering his stateroom, the life preserver accents the idea he met on the deck, namely, that the ocean has perils.

Wherever he goes he sees evidences of the fact that man, not being an aquatic animal, is in danger at sea—great bilge pumps, fire extinguishers, smoke detectors, hose lines, and a thousand things all say in chorus "On the sea you are in an unnatural position; beware."

But do not lifeboats make the sea safe? By no means, my friend. If lifeboats made the sea safe, it would be well for us to go to Europe in lifeboats. Little boats are not a tithe as safe as big boats at sea. Lifeboats are simply the lesser of two terrible evils—that is all.

A lifeboat is available only under some rather exceptional conditions. For instance:

The disaster to the vessel must be of a character which will allow passengers and crew time to enter the boats without panic.

A vessel struck as was the *Empress* must involve the death of almost the entire passenger list, no matter what the boatage may be.

The sea must not be too rough to launch the boat.

The SPEAKER. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman be given 10 minutes more.

The SPEAKER. Under the special order fixing the time the only way to get at it would be to ask unanimous consent that the time for debate be extended.

Mr. BOWDLE. I can finish in five minutes.

Mr. ALEXANDER. Under the rule the debate is limited to two hours, and I regret very much to object.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent that the time be extended five minutes beyond the time which has already been fixed.

Mr. GREENE of Massachusetts. It has been adopted by rule, has it not?

The SPEAKER. It has been adopted by unanimous consent.

Mr. GREENE of Massachusetts. I do not object.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent that the time for general debate be extended from 2 hours to 2 hours and 5 minutes, and that the gentleman from Ohio [Mr. BOWDLE] have the 5 minutes. Is there objection?

There was no objection.

Mr. SAMUEL W. SMITH. Will the gentleman answer a question?

Mr. BOWDLE. I would like to finish my speech first, please.

Mr. SAMUEL W. SMITH. Very well.

Mr. BOWDLE. The season for the accident ought to be summer, for in winter large numbers of boats become in a short time coated with ice, tons of it in fact, so that many of them are unusable. The wind should not be blowing hard, for in addition to making the sea boisterous it makes launching the windward boats impossible.

The accident should not be a collision which carries away, as many accidents do, large numbers of boats.

The accident should not be fire, for this at once renders it impossible to get at many boats.

The accident, if a collision with a berg, should be one in which the berg is side swiped, rather than struck head-on, for this will probably allow time for the boats. But if the impact is head-on every boiler will leave its fastenings, and in an instant of time all decks will be blown off, all boats destroyed, and probably all passengers roasted. This is precisely what would have occurred had the *Titanic* struck head-on. The 36 mammoth boilers would have accomplished just this.

I have tried to make it clear, Mr. Speaker, that the accident at sea, in order to make lifeboats effective, must be an exceedingly polite and proper accident, occurring under fairly good and unusual conditions.

I should like to make accidents at sea and elsewhere as safe as possible, and the boats properly manned are the best we can do, but let us not deceive ourselves with the idea that this or any legislation can make the sea safe.

In trying to make accidents safe, or safer than they are at present, I want to call attention to some facts which must continue to make the accidents which do occur more and more appalling.

The great size of boats tends to danger.

Effective control of the captain becomes impossible in boats of such length.

In the matter of fire at sea we have, with steel ships and steel housings and metal furniture, reduced the danger to a minimum. But this is the internal danger, when the great dangers of which we have been speaking are external dangers, due to fog, collision, stranding, and so forth. And mark you, Mr. Speaker, the reduction of these internal dangers—fire and explosion—has in a very curious way actually increased certain external dangers. Let me explain. In days when everything was wood a sinking vessel left the sea strewn with a vast mass of wreckage, some of it approximating to small rafts. To-day a liner prides herself on almost the entire absence of wood. If the accident to-day precipitates numbers into the water without time for preservers, there is no hope even for swimmers unless the coast is near and safe. Even if preservers can be put on, there is no wreckage from the modern liner's deck which would allow the unfortunate to raise himself sufficiently out of the water for an hour, and thus help him to retain enough heat to support life for that two or three hours within which help might come. What a boon it would have been to the *Titanic's* passengers if, at that awful moment—a moment whose awfulness is without parallel in the history of horrors—there might have been a simple load of common lumber on her deck, which floating off with those heroes cast into the sea would have afforded rafts for the support of hundreds of the stronger. Indeed, a few nails and a load of lumber would have made a good raft in that last hour when every boat had gone. But, no, that boat of enervating and idiotic luxury had no simple thing aboard. And for lack of simple things it and they died, as many others have died for lack of simple things.

But my point, I think, is clear, that all-steel vessels, with all-metal equipment, while reducing internal dangers often serve to increase external dangers. In other words, it is a very curious fact that a kind of permanent ratio of marine danger seems to be maintained.

It comes to this: How can a mad race for luxury and speed be made safe? Of course it can not be made safe, on sea or land or in the air. No legislation can make it safe. We can create a sort of poor relative safety only.

If men and women demand 23 knots speed to Europe, they must accept certain dangers which science can but little abate.

If they demand a welter of foolish luxuries on land or sea, they must accept that danger which always attends the lack of simple things and simple living.

Great vessels with Russian baths, and Turkish baths, and plunge baths, and squash courts, and racquet courts, and lounges, and palm rooms, and Pompeiian rooms—with the hideous size and power required for all this—must present dangers to those who use them past comprehension. For me, I should not, with my observation of ships, ride a nautical knot on one of them. And I blush for that enervated life of my countrymen which demands them.

Of course in discussing this matter I have not touched upon the vast waste of our best coal now going on, for these ocean racers require trainloads of hundreds of cars of coal for a single voyage, a waste never to be replaced, and all in order to push our luxury-loving people at breakneck speed over the seas and into Paris a day or two sooner.

But I think I see signs of returning sanity. Several forces are operating. First. Our people are becoming conscious of the dangers. Second. The great cost of operating these monsters is troubling their owners. Third. Our rich are pausing to consider whether their riotous display of luxury has not in it elements of danger in this democracy of ours. Fourth. The inability of these great ships to use the ports of the world—outside of two or three ports—and the general desirability of having ships which can be easily switched onto any route—a desirability now accented by this war. Fifth. The difficulty of managing in times of danger a vast concourse of passengers distributed over 500 feet of a 900-foot vessel, increasing danger to life—a thing very observable to one who studies the loss of the *Titanic*. All these things, I say, are tending to a return to sanity. Meanwhile we can help by refusing to use such vessels.

To those who look to the House's Committee on the Merchant Marine for the creation of safety at sea, I say, "Gentlemen, we have done our best under the circumstances of a wild desire on the part of our people for great size, great speed, great luxury, and great everything. It is the best that we can do, and at that we have been able to require but little more than experience has already induced vessels to adopt."

I trust that marine accidents will henceforth all be as polite as that recent one between the *Praetoria* and the *New York*, where they came together in the daytime, almost bow on, so that they kissed hard, sheered off, one leaving her anchor on the deck of the other as a memento of a warm contact.

I can not end this address, Mr. Speaker, without a word of admiration for Mr. Andrew Furuseth, who has represented the seamen of this country throughout our long hearings. We are indebted to him for much information. I know lawyers, a plenty, with incomes of ten thousand a year and much more, whose advocacy of any cause has never been as forceful as the advocacy of plain, hard-handed Andrew Furuseth. I did not at first agree with many of his propositions, but since reading the account of the *Titanic's* loss, especially that in the remarkable book of Col. Gracie, I have come to see the meaning of his position. And these words may be applied with the same propriety to Mr. Olander and Capt. Wescott, his associates. [Applause.]

Mr. ALEXANDER. Will the gentleman from Massachusetts [Mr. GREENE] use some of his time?

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. MANAHAN].

Mr. MANAHAN. Mr. Speaker, the difficulty of getting comparative safety at sea under modern conditions as the result of intelligent legislation is not as great, in my judgment, as might be indicated by the address of the distinguished gentleman from Ohio [Mr. BOWDLE] to which we have just listened. Nor do I concur in his view that, left to themselves, the shipowners have, as a matter of voluntary care, approximately met the requirements of this bill. I believe that the shipowners, to a certain degree, have met the demands of the public for a greater degree of safety, but nevertheless I am convinced that it is of very great importance that we legislate in a way that will compel men who undertake to transport passengers at sea to do their plain duty.

Now, I am in favor of this bill and propose to vote for it, but not on the theory that as regards the safety at sea it is an improvement on the La Follette bill, for which it is a substitute.

I think in that respect this bill is still weak in certain portions, and I am hopeful that when the matter goes to conference with the Senate that this weakness will be removed.

Regarding the provisions of the bill as they affect the life of the seamen, inasmuch as they lift the seamen from a condition of serfdom to that of liberty and a fair condition of life as laboring men, the bill is a splendid tribute to the intelligence and the patriotism of the men who undertook to formulate it. But regarding safety at sea, some provisions ought to be modified and, as I say, I hope they will be modified in conference.

The provision of the bill which exempts from its terms vessels operating in bays and sounds is, to my mind, a dangerous provision, because there are bays and sounds, as a simple scrutiny of the map of the United States will disclose, in which there is quite as much danger to navigation as there is upon the open sea. I believe that provision ought to be modified.

Regarding lifeboats, too much generosity has been shown to the shipowners. It is not, in my opinion, fair to the traveling public, who are obliged to use the Great Lakes, to provide during the season of greatest travel, in the summer time, as this bill does, that only 20 per cent of the passengers shall have lifeboat provisions and only three-tenths of the passengers shall have pontoon or life-raft provisions, leaving the balance without any protection whatever. I come from the Northwest and am familiar with conditions on the Great Lakes, and when I say that the waters of Lake Superior all the year around are practically ice cold, it is obvious that a provision for 20 per cent of lifeboats in case of accident is entirely insufficient.

I believe also that the provision which limits the application of the law to vessels sailing outside of the 20-mile limit is an unreasonable concession to shipowners, because there is, in my judgment, quite as much danger in the open sea 19½ miles from shore as there is 100 miles from shore. But as I say, outside of these provisions, which are concessions to the stern demands, as I may express it, of shipowners, the bill is a very good bill, and the substitute is entitled to the vote of this House.

Regarding the difficulty of making the bill I might express this thought: That any remedial legislation will always be difficult while we permit men engaged in large business to exercise influence against legislation which will in the slightest degree cut off the dividends of that business.

The opposition to the La Follette bill and to this bill regarding the lifeboat provision has not been opposition based upon an intelligent consideration of the dangers at sea, but opposition which has its support in the matter of the earning capacity of the vessels. Without question if it were not for the greedy desire of these men who own these ships, regardless of public safety, to increase their dividends, they would not undertake to carry more passengers than they could protect and provide for in case of accident; but for the sake of dividends they sacrifice the rights of the public to a competitive degree of safety, and I have little sympathy with arguments that are based upon the proposition that the business requirements of these great companies require a certain degree of jeopardy to be borne by the traveling public.

And that is why I am so much in sympathy with the project, now shortly to be called before the House, of having this Government itself undertake to place upon the sea vessels of its own, either directly under it, or by some corporation which it controls, because I am satisfied that if this Government intelligently and patriotically provides for a line of vessels to ply between our coasts and foreign shores and between the cities of our own coasts it will demonstrate in a few years that it will be possible for great companies operating as private corporations not only to carry passengers at a cheaper rate than they now charge but to provide for every essential thing necessary to protect the public and passengers who are compelled to travel upon the seas. I believe that the rates have been excessive, and that the safety provisions have been inadequate under the private ownership of these great steamship companies, solely as a result of greed, and not as a matter of construction or intelligent operation.

Therefore I welcome the opportunity brought upon us by the war abroad of having our Government as a Government undertake the public service of transportation, and undertake it under such conditions as will make a demonstration that the great private-ownership carriers upon the sea, as upon the land, have been exploiting the public as a result of greed, without regard to necessity, and with scant respect for the ordinary rights of man. [Applause.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman yields back three minutes.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield to the gentleman from Kansas [Mr. HELVERING].

The SPEAKER. The gentleman from Kansas [Mr. HELVERING] is recognized.

Mr. HELVERING. Mr. Speaker, ever since this legislation was proposed in the other Chamber I have given to it considerable attention, an attention which was enhanced by a study of the legislation along this line which was passed by this body in the years gone by and which failed of enactment for reasons which at this time it is unnecessary to refer to.

And accordingly I have given the greatest attention to the arguments of those who have opposed and those who are opposing this measure. I was desirous of approaching this subject with an open mind, but I freely admit that if arguments were not forthcoming to show the futility or the impracticability of this legislation I would be ultimately inclined to favor it for humanitarian reasons.

Now, what do we find? Stripped of all of the nonessentials, you will discover that all of the arguments advanced finally come around to one of increased cost to the vessel owner. He does not want to remodel his vessel so as to provide for necessary lifeboat equipment; he objects to the alteration of the lines of beauty in his craft; objects to the employment of more able seamen and less of the riffraff, who will work for small wages in the hope that tips will add to their total receipts, and they object to everything and anything which would mean the expenditure of an extra dollar.

We have met just such objections before; in fact, we can not move here in the direction of legislating for humanity that we do not hear a wail from the men whose sacred dollar is assailed and who are so intent upon its worship that their ears are closed to the cries of suffering humanity. We hear it every time a workingmen's compensation act is proposed; every time that we strive to secure steel cars for railway mail clerks; every time that we insist upon safety appliances, more stringent mine regulations, and necessary equipment for the greater safety of human life on the sea and upon land.

On the one side, then, we have the men who oppose this bill because they want their dollars protected, and in advocacy of the bill we have the plea of those whose business it is to spend the best part of their lives on the sea, as well as the plea of those who have lost loved ones in the past few years owing to causes which could have been prevented and will be prevented if this bill becomes a law.

It is said that only the seamen's union is really behind this legislation. That I deny. The press of the civilized world in April, 1912, called for measures to prevent a duplication of the loss of life caused by the wreck of the *Titanic* and the burning of the *Volturno* and accompanying human sacrifices emphasized the fact that we have left all of these months pass by and have failed to heed the lesson which the wreck of the *Titanic* brought home to us.

In the history of navigation we have seen progress made in the effort to protect human life and in the improvement in the conditions surrounding the men who sail the sea, but every step has been resisted by the shipowner until public opinion has forced him to give each successive inch. Flogging at sea, manhandling of sailors, wormy biscuit, rotten meats, and an absence of vegetables, which resulted in scurvy, have all been a part of the record of the history of navigation within a reasonable time. There has been a betterment in conditions, we all admit, but is it not a fact that every improvement has been reluctantly given by the shipowner in response to an irresistible public demand?

On the other hand, look at the money spent in catering to the pleasure of the carrying trade. The salons of our trans-Atlantic passenger steamers are a cause for wonder. Money has been lavishly expended and the appointments of the various suites, the arrangements made for play, the palm gardens, the spacious walks for the promenaders, and the music provided for those who dance all testify to what extent the comfort of the passengers calls for heavy expenditures.

Everything is done to cater to the joys of existence—music, laughter, drinking, gaming, playing, all going on below, while above there is a lack of lifeboats, and that lack is accentuated by the fact that when the time comes to use these lifeboats the vessel owner, who has spent so much to cater to the pleasure loving, has only waiters, bartenders, and stewards to do the work of sailors in handling these boats so that the lives of the passengers may be saved. Oh, yes; he caters to the pleasures of the travelers, but over every entrance to the cabins and saloons he should have the inscription plainly shown: "Eat, drink, and be merry, for to-morrow you may die."

The two points covered by this bill are, first, an assurance of greater safety for those who travel on ships, and, second, an assurance of more humane treatment for those who have to man the ships.

This bill realizes the difference between those who labor upon land and those whose labors carry them upon the sea, but with all differences allowed for and admitted, we see no reason why the sailor is not entitled to every protection due to a free man. We have abolished slavery on land, and we can not and will not tolerate it longer on the sea—at least, it will not be protected under the American flag.

That is the sum total of this legislation. We have paid heed to the tears and to the agony of the relatives of those who went down with the *Titanic*; we keenly felt our negligence when the *Volturno* holocaust caused so many to ask, "How much longer?" And now the question is up to us, shall we delay longer, and shall we continue to make dollar rights superior to human rights?

Nobody believes that this legislation will accomplish all that we desire, but it is a step in the right direction, and while there are in this bill things which I do not approve, yet I will gladly vote for it, because I believe it to be right in the main, and it marks the most advanced step ever taken by any nation in the way of throwing safeguards around human life.

The things to which I object are in reality of but little moment as regards the essential features of the bill. The fear of not being able to secure enough able-bodied seamen to man our vessels has no weight with me. Labor, skilled or unskilled, will inevitably follow the road which leads to the greater financial reward, and while this bill will, I believe, surely lead to an increase in wages, that increase will afford the needed stimulus to men to turn to the sea for a livelihood.

There is one thing in this bill to which I do object, and I will now briefly refer to it.

In section 12 the amendment proposed to section 4536 of the Revised Statutes of the United States is vicious in so far as it will give encouragement to the dead beat. I can well imagine the case where a penniless sailor is taken ill while out of employment. He is cared for and nursed, because the parties so caring for him rely upon the time when he will be able to earn and pay for services rendered. Now, if we are going to protect the dead beats by such legislation as this and enable them to evade payment of just debts, is it not reasonable to believe that the honest seaman will be the real sufferer in the end, for he will not be able to secure succor and the means to live at a time when sickness or lack of employment prevents him from being able to pay his way? I am of the belief that the greatest protection you can give to the honest man is to put a penalty upon dishonesty, for by so doing we give some assurance that honesty will be the rule.

In the debate on this measure in the other branch of Congress it was stated that section 13 of this act would not necessarily require that 75 per cent in each department on a vessel would have to understand the English language, as under the terms of that section such per cent would have "to understand any order given by the officers of such vessel," and that as these orders might be conveyed by signs or by the taps of a bell, such knowledge of the language would not be demanded.

As far as routine orders go I can see where such a construction would apply; but the language of this bill reads "any order given," and that of necessity would compel a knowledge of the language in which the order is given, for no human understanding could provide signs or bell taps which would govern every emergency or insure understanding of "any order given" unless the language in which it was given was understood and the intent of the order fully comprehended.

The one serious objection raised is in regard to the abrogation of treaties, and I can appreciate the honesty and sincerity of those who advance such objection. But the passage of this act need not lead to any complications. If we pass this bill, there will be one feature in many of our treaties which will contravene the terms of this act, and we simply say to the nations of the world: "Our treaties with you are agreeable to us in every feature, save one. If you wish your vessels to trade with us, if you wish to profit by having a part of our ocean-carrying trade, then we ask that you arrange with your vessel owners whose ships do business in our ports that they shall see to it that they comply with our rules and regulations."

The bulk of our trade was carried on the vessels of a few, a very few, foreign nations, and it is not likely that they will give up that trade because this legislation does not please them. Will they not be far more likely to consent to the amendment of the treaties so that they will conform to the requirements of our legislation? And if they refuse, will it not inevitably lead to our taking care of our own carrying trade and thus bring about the very thing which we all believe to be of such great importance to our Nation?

I have not the slightest fear as to what the result will be. We have what these nations greatly covet, and we have the right to put reasonable restrictions around it, knowing that those who seek to get it must play the game according to our rules.

There are those who would have us delay in the enactment of this legislation until such time as we can confer with the nations of the earth and formulate satisfactory rules. Nothing is to be gained by such delay. The nations most interested have a selfish interest in the prevention of any legislation not satisfactory to the shipowners. They have coddled, nursed, and subsidized them in an endeavor to secure a larger percentage of the trade of the world, and they will not aid in restrictions which will be opposed by such owners. The United States is the only Nation in position to take the lead in such legislation, and we will be untrue to ourselves if we fail to take advantage of our opportunity. We have the carrying trade which these nations covet. We have the right to lay down the rules; and if we delay now and wait until we can get a mutual agreement, it will follow that we will have another toll of human life sacrificed and another arousing of public opinion before we reach the vantage ground upon which we stand to-day.

It is a great opportunity this which is offered to America. We have by our votes here on a day not long ago shown to the world how earnestly we desire not only to live in peace with all of the nations of the earth, but also to restrict as far as possible the chance to carry on war. That was a splendid act and reflects credit upon this body. Now we have another opportunity—the opportunity to head the procession of nations in the work of putting human life and human rights above aught else and compelling dollar rights to take their place in the rear. That we may utilize this opportunity by passing this legislation, and that, too, by an overwhelming majority, is my earnest hope, and to that end my vote shall be cast, for I feel certain that by so doing we will give an impetus toward securing needed humanitarian legislation which will have a beneficial effect in all parts of the world.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER].

The SPEAKER. The gentleman from Pennsylvania [Mr. BUTLER] is recognized for five minutes.

Mr. BUTLER. Mr. Speaker, am I confined to the subject of this bill?

The SPEAKER. Not especially.

Mr. BUTLER. Then, Mr. Speaker and Members of the House, permit me to speak of something that is personal.

I have been convinced that the leader of the majority [Mr. UNDERWOOD] is right; that it is the business of Members of Congress to maintain a quorum upon this floor.

Mr. SAMUEL W. SMITH. Then, Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BUTLER. I will yield the floor, Mr. Speaker, and finish my remarks later. [Laughter.]

The SPEAKER. The gentleman from Michigan [Mr. SAMUEL W. SMITH] makes the point of no quorum. The Chair will count. [After counting.] One hundred and thirty-one Members are present—not a quorum.

Mr. ALEXANDER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Cooper	Gardner	Johnson, Ky.
Aiken	Copley	Garner	Johnson, S. C.
Ainey	Covington	George	Johnson, Utah
Ansberry	Crisp	Gerry	Jones
Anthony	Danforth	Gill	Kent
Aswell	Decker	Gittins	Kiess, Pa.
Austin	Dickinson	Glass	Kindel
Barchfeld	Dies	Graham, Ill.	Kinkead, N. J.
Barkley	Dillon	Graham, Pa.	Kirkpatrick
Bartholdt	Dooling	Griest	Knowland, J. R.
Bartlett	Doolittle	Guernsey	Konop
Beall, Tex.	Dupré	Hamill	Lafferty
Bell, Ga.	Eagle	Hamilton, Mich.	Langham
Broussard	Elder	Hamilton, N. Y.	Langley
Brown, N. Y.	Esch	Hardwick	Lazaro
Brown, W. Va.	Estopinal	Harrison	L'Engle
Browne, Wis.	Evans	Hart	Lenroot
Browning	Fairchild	Haugen	Lewis, Pa.
Brumbaugh	Faison	Hayes	Lindquist
Calder	Fess	Heflin	Linthicum
Candler, Miss.	Finley	Hensley	Loft
Cantor	Fitzgerald	Hill	McGillicuddy
Cantrill	Flood, Va.	Hinds	McGuire, Okla.
Church	Foster	Hinebaugh	McKenzie
Clancy	Fowler	Hobson	Mahan
Clark, Fla.	Francis	Hoxworth	Martin
Claypool	Gallivan	Humphreys, Miss.	Merritt

Miller	Post	Slemp	Vare
Morgan, La.	Powers	Smith, N. Y.	Walker
Mott	Prouty	Steenerson	Wallin
Murdock	Rainey	Stephens, Nebr.	Watkins
Neeley, Kans.	Riordan	Stout	Weaver
Nelson	Rogers	Stringer	Whaley
Padgett	Rubey	Switzer	Whitacre
Patton, Pa.	Sabath	Taggart	Wilson, N. Y.
Peters	Sells	Taylor, N. Y.	Winslow
Plumley	Shackleford	Thacher	Woods
Porter	Sherley	Underhill	

The SPEAKER. On this roll call 278 Members—a quorum—have answered to their names.

Mr. ALEXANDER. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Pennsylvania [Mr. BUTLER] has the floor, and the Chair desires to read to him the agreement under which we are proceeding:

That to-morrow, immediately after the approval of the Journal, it shall be in order to move to suspend the rules upon the bill S. 136, the seamen's bill, with certain committee amendments, and if a second is demanded, that the second shall be considered as ordered, and that two hours of debate on the bill shall be in order.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may proceed in the time allotted to him and talk upon any subject.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania be allowed to proceed for five minutes to talk about anything he chooses to talk about. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Speaker, I am much obliged to the gentleman from Illinois [Mr. MANN] for making this request. When I was taken off my feet by my conscience-stricken friend from Michigan [Mr. SAMUEL W. SMITH]—he, too, has become a reformer, like the rest of us. How long reform will remain with him I do not know, but it has come to me to stay, and I give the House notice that Members will push their trunks back under the bed. [Applause and laughter.] This is not personal with me. I am simply performing, as I understand it, conscientiously a duty that has been imposed upon me. My attention has been called to what constitutes a performance of duty commended by the people, and that is an enforcement of the law. On last Tuesday, when I was unfortunate enough not to be here, and so could not have the pleasure of voting against this resolution—because, if you will permit the statement, that I never voted for such a resolution, as I have endeavored to serve without embarrassing one Member of this House. I believe each Member is responsible to the country and to his constituency and not bound by any particular rule [applause] of this House for his guidance. The leader of the majority said on this floor:

Now, I think, Mr. Speaker, it is far better for this House and the country for us to stay here and to attend to business and keep a quorum on the floor of the House, so that business may be attended to by a majority of the House.

Listen:

Applause on the Democratic side.

Mr. Speaker, we have been here three hours to-day and we have done nothing. No work has been accomplished except a little general debate. It is not the fault of the gentleman from Missouri [Mr. ALEXANDER], who attends to his business strictly and conscientiously. It was because a quorum was absent from the floor. That lack of a quorum was caused by the absence of Members who, like myself, have been seeking the joys and companionship of their homes; and I want it understood that whenever I go home the Sergeant at Arms is at liberty to deduct the day pay from my salary.

Mr. GORDON. You will be docked $20 a day.

Mr. BUTLER. Twenty dollars and forty-five cents a day. I know it is not easy to lose that much if you need it; but permit me to say that I serve my constituents for two reasons: First, because I want to and through their forbearance and toleration, and, secondly, because of the salary attached to the office. [Laughter.] Without the salary I can not live. But the House has been wise. It has provided, as I understand, that I shall be docked for the days in the month I am absent. The leader of the majority has made me wise, and I shall be absent no more. [Laughter.] I want the gentlemen of this House to understand that there is nothing personal in the position I have taken when I propose to see that a quorum is present, and if you want to do business you will remain where you are now for the remainder of the session. I am here to stay. [Laughter and applause.] If I have any time left, I will be glad to yield it to somebody.

The SPEAKER. The gentleman yields back two minutes.

Mr. ALEXANDER. I yield five minutes to the gentleman from Wisconsin [Mr. BURKE].

Mr. BURKE of Wisconsin. Mr. Speaker, the principal points of difference between the Senate bill and the substitute offered by the House committee relate to lifeboats and able seamen. The Senate bill provides that there shall be seaworthy lifeboats to afford accommodations for all on board, passengers and crew. The Senate bill in relation to able seamen says that lifeboats shall be manned by at least two able seamen each, and that the qualifications of an able seaman shall consist of three years' service at sea or on the Great Lakes.

After fair and impartial hearings and consideration of those two points the Committee on the Merchant Marine and Fisheries thought it wise to change them in some respects.

The Senate bill makes no provision for a lessening of the number of lifeboats or of able seamen in the summer during the excursion seasons. Our substitute makes provision for full life-saving accommodations on all ocean-going passenger and cargo vessels. At least 75 per cent of those accommodations are to be in lifeboats and the balance in life rafts or collapsible boats. It has been found by experience that a provision for all lifeboats and no rafts is an unwise provision. There are times, exigencies and emergencies, in which lifeboats can not be used to the same advantage as can life rafts. The Senate bill made no provision for the carrying of life rafts. In view of the fact that the testimony showed us that life rafts in certain emergencies were the only available means of life saving, we thought it wise to make provision for the carrying of a portion of the life-saving apparatus in the shape of life rafts. This provision for safety accommodations for passengers and crew in the case of ocean-going steamers prevails the entire year. The other provisions of the substitute, in relation to accommodations for the saving of passengers and crew, provide that there shall be full accommodations for passengers and crew all the year round, except in the case of the lakes, bays, and sounds and vessels going not more than 20 miles off the coast during the four summer months. It is only in the case of the excursion season when full provisions for life saving are not required to be carried.

The evidence before us showed that in the case of very many large vessels on the Great Lakes it would be impossible for them to comply with the provisions of the Senate bill which required full lifeboat accommodation for all passengers and crew on board. It was shown that to comply with these provisions of the bill it would be necessary to overhaul the large vessels at a cost nearly as great as the original cost of the vessel, or else the lifeboats would have to be stored on the upper decks and would make the vessel topheavy and easily capsized, thus rendering travel at sea more dangerous than if there were less lifeboats. This dangerous feature can be easily surmised by anyone familiar with steamboats.

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. BURKE of Wisconsin. Certainly.

Mr. J. M. C. SMITH. I understood from the remarks of the chairman of the committee that the rules for carrying lifeboats would be suspended on some boats running from Buffalo to Cleveland and Detroit. I would like to ask the gentleman from Wisconsin if that is true?

Mr. BURKE of Wisconsin. In the first place, I doubt very much if the chairman made any such statement, because there is no such provision in the bill.

Mr. J. M. C. SMITH. I understood him to say that that was because they passed some other boat every six or seven minutes, and that the provision in those cases would be waived.

Mr. BURKE of Wisconsin. I think he did make the statement that they passed other boats often, but that was to show that the travel on the Great Lakes was not so dangerous as it is on the ocean.

Mr. J. M. C. SMITH. Would that apply to boats between Ludington and Chicago and Milwaukee and St. Joe?

Mr. BURKE of Wisconsin. It applies to all ports on the Great Lakes. The rule under the same conditions is uniform.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, it was my privilege to be a member of the Committee on the Merchant Marine and Fisheries for a period of 10 years, and during that time this bill or one similar to it was considered a great portion of the time. Now, in so far as this bill has a tendency to increase safety at sea, in so far as it is any benefit to the American sailor, I am in favor of it. I think I am well within the facts when I say that there has not been any time in the

last six or eight years when a bill to abolish arrest for desertion of American seamen could not have passed this House. There are, however, some provisions in this bill that I wish were not in it; but it is much better than the Senate bill.

I think section 13 should be stricken out. The purpose of that section is admirable, and if it would accomplish what it was intended to accomplish, I would support it. The purpose is to do away with Chinese crews, something that every American citizen would like to see done.

But how will it work on the Pacific coast? You take the Pacific Mail Steamship Co., which employs Chinese crews. It means $100,000 for the round trip to each one of those vessels, according to a statement of the manager of that company. They run to-day in competition with Japanese vessels, which are subsidized for $100,000 each trip in gold by the Government. The result will be that you will not do away with the Chinese crew, but you will put the Japanese flag on these vessels or put them entirely out of business. I understand that arrangements have already been made by these vessels to take down the American flag if this bill is passed.

On Puget Sound the effect of this bill will be the same. Take the steamship *Minnesota*, for illustration, which is the largest vessel now on the Pacific Ocean. If this bill goes into effect, the American flag will undoubtedly be taken from that ship. It would increase the cost of the operation of the *Minnesota* more than $100,000 each round trip. This vessel is now running in competition with Japanese competitors that are heavily subsidized by their Government. If the *Minnesota* was subsidized in the same proportion, it would receive $150,000 in gold for each round trip. Under this tremendous handicap, if you place the additional one that will come with this bill, it takes no prophet to say that this great vessel will either quit running or go under the Japanese flag. It is my information that arrangements have already been made, if this bill becomes law, for the *Minnesota* to either quit the ocean or take a foreign flag. The result of this bill, then, will be, so far as the Pacific is concerned, that it will simply change the American flag for the foreign flag on the *Minnesota* and the Pacific Mail vessels. It will result in American officers being displaced by foreign officers. It will benefit no American citizen. It will not give an additional job to any American sailor, but, on the contrary, it will lose these great vessels to this country and will replace American by foreign officers.

Another result will come to Seattle following the passage of this bill that will not so vitally affect other portions of the country. There are several foreign lines running into Seattle. This bill will greatly increase the burdens of these vessels. When they come into Seattle their crews will be permitted to desert. If they go to Vancouver, only a short distance away in British Columbia, they will avoid this trouble. This bill tells them the character of sailors they shall employ and the language that they shall speak and how they shall be paid, the purpose being to get rid of cheap crews. This will increase the cost of every foreign vessel that comes into the port of Seattle from $10,000 to $50,000 each trip. All these burdens can be avoided by these vessels going to Vancouver. There is no reason why a foreign vessel should prefer Seattle to Vancouver. Certainly it can not be one of sentiment or patriotism. The facilities at Vancouver are practically as good as those at Seattle. The Canadian Government is making great improvements in the harbor facilities of Vancouver. The result of this bill, then, will be to drive from the Pacific Ocean the few American vessels that remain and make Vancouver instead of Seattle the great commercial city of the Pacific Northwest, and in doing this we will not be conferring a favor upon any American citizen or upon any American interest.

It has been repeatedly urged that the purpose of this bill is to favor the American sailor. Fairness on the part of those making these statements would suggest that they point out the fact that there are practically no American sailors in the foreign trade; therefore none to be freed. In the coastwise trade the law providing for arrest in case of desertion was abolished many years ago, so that the argument that this bill is in behalf of abolishing involuntary servitude, so far as the American seaman is concerned, is without merit. If it is urged, as it has been, that we should free the sailors of other nations, then my reply is that if these foreign sailors thought enough of our country to become American citizens, then they would have the advantage of our laws. If they do not think enough of this Nation to become American citizens, then I do not think that they should appeal to us to confer favors upon them that the nations to which they owe allegiance will not confer.

I want to call the attention of the House to the inconsistency of the recent legislation in regard to the merchant marine. First comes a bill to purchase foreign ships, which gives the President the power to suspend the laws that now place too heavy burdens on American ships in order that we may be able to put the vessels under the American flag. Here to-day you come with a bill increasing these very burdens that you give the President the power to suspend.

A few days ago you brought in a bill for the purpose of inducing American citizens to purchase foreign vessels and place them under the American flag. You follow that by introducing a bill authorizing the Government to go into the business of buying ships. Now, really, do you believe that any sane American citizen is going to place his money in these ships, even in this great emergency when at the same time you are holding over him the threat of the Government going into the same business? Are private citizens going to compete with the Government? You make an appeal to the American citizen to invest in shipping, and immediately follow it by proposed Government ownership, and then by passing this bill making it impossible for him to profitably run a vessel if he buys it. This utter inconsistency can only be accounted for by the lack of the Democratic Party to entirely understand what is necessary to build up a merchant marine. Now, I want to call the attention of the House to the most objectionable portion of this bill. I hope I may have the attention of the House for a moment, because certainly there can be no politics in this portion of the bill.

Section 13 prescribes the character of the sailor, his qualifications, how old he shall be, what experience he shall have had, and what language he shall speak or understand. If this section only applied to American ships, then it might be unwise, but it would not be dangerous to our national peace, but it applies to foreign ships. Here we stand in this position to-day—the only great nation of the world that lacks the intelligence and patriotism to have a merchant marine of our own, and yet in this bill we propose to tell the other nations of the world that have shown sufficient intelligence to have a merchant marine how they shall run it, how they shall man their ships, what shall be the qualifications of the sailors, and how they shall pay them.

Let me illustrate what will happen if this bill becomes law. Suppose one of the great Japanese vessels comes into the harbor of San Francisco. Under the provisions of this bill, any citizen can file an affidavit that some members of the crew of that vessel do not understand the Japanese language, or that some members of that crew are not 19 years of age, or that they have not had two years' service at sea, or three years upon the Great Lakes, or that any other of the numerous requirements of this bill have not been complied with.

Mr. MADDEN. Three years on the ocean and two years on the Great Lakes.

Mr. HUMPHREY of Washington. It is four on the Great Lakes. It takes four seasons to make a sailor on the Great Lakes, and three on the ocean.

Mr. ALEXANDER. It is three years at sea and two years on the Great Lakes.

Mr. HUMPHREY of Washington. No; it is 24 months.

Mr. ALEXANDER. Two years are 24 months.

Mr. HUMPHREY of Washington. Twenty-four months do not make two years on the Great Lakes in shipping, and the gentleman knows it. Navigation is closed about six months in the year. That provision was put in there intentionally and purposely. There is no mistake about that. I give the committee credit for too much intelligence to say that this provision of "24 months" went in by mistake. As I was saying, the situation will be this: One of these great vessels will come into port and someone will file one of these affidavits. What will be the result? The collector of customs then is required under this law to seize that vessel and muster the crew and not permit that vessel to depart until it has complied with that law.

If the sailors desert, as they will have a right to do under this bill, and it is a Japanese vessel, that vessel can not leave port until it gets another Japanese crew; and, if they desert in an American port, is it possible for that Japanese vessel to secure another crew that will meet the requirements of this bill? Certainly in some ports it will not be possible. Yet this vessel of a friendly nation that has in every way complied with her own laws and with her treaty obligations with us will not be permitted to depart from our harbors until they have complied with the many provisions of this bill. Does anyone believe that any self-respecting nation is going to submit to such indignities? What right have we to tell other nations how they shall treat their own citizens on their own vessels? A vessel of a nation is the soil of that nation. If we can tell them what they shall do with their own citizens on their own vessels, then

we can tell them what they can do with their own citizens in their own country. I am one man from the Pacific coast that has not talked publicly about war with Japan. I think entirely too much has been said upon that question. I think we have not always shown that proud and sensitive people the consideration and courtesy that we should. I do not believe Japan wants war with this Nation; but I do not delude myself by believing that they would not declare war if they thought they had sufficient provocation. This bill is in violation of our treaties; it is in violation of the spirit of fairness and friendship we owe to other nations. I say to this House to-day that if you place this law upon the statute books and attempt to enforce it we will have war with Japan inside of 30 days. Certainly the other nations of the world will look upon us with suspicion if we enact such legislation just now. I have too much confidence in the President of the United States and in his intelligence and patriotism to believe that he will ever sign this bill or attempt to enforce its provisions at this most inopportune time. I believe that when it goes to him he will have the patriotism and courage that President Taft had when a similar bill came to him, and that he will refuse to sign it. Think of those provisions in the bill, in the face of our treaties, and then argue that any of the great nations of the world are going to submit to it without protest. England and Germany may submit to these provisions for a time; but it is an insult to every great shipping nation in the world. They may submit to it while they are in this great struggle, but at the end of the war they will insist that it be abrogated. Who thinks this an opportune time for the denouncing of treaties and the imposition of harsh and unreasonable terms upon the vessels of friendly nations?

Certainly every American citizen feels that this is the time to avoid all friction, that this is the time above all others in our Nation's history when we should do nothing that any other nation could construe as unfriendly or as an attempt to unjustly increase our commercial advantages. What the people of this Nation desire to-day above all things else is that this Nation should do all things honorable to maintain peace with all the other nations of the world. [Applause.]

Mr. GALLIVAN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. HUMPHREY of Washington. Mr. Speaker, I am very glad the gentleman has exercised such a show of intelligence.

The SPEAKER pro tempore (Mr. RUSSELL). The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

Mr. MANN. The gentleman can not interrupt the count.

Mr. SLAYDEN. I desire to make the point of order that that is dilatory, it having been demonstrated within the last 10 minutes that there is a quorum present.

The SPEAKER pro tempore. The point of order is overruled. [After counting.] One hundred and fifty-eight Members present—not a quorum.

Mr. ALEXANDER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Crisp	Glass	Langham
Aiken	Danforth	Godwin, N. C.	Lazaro
Ainey	Decker	Graham, Ill.	L'Engle
Ansberry	Dickinson	Graham, Pa.	Lenroot
Anthony	Dies	Griest	Lewis, Pa.
Aswell	Dillon	Guernsey	Lindquist
Austin	Dooling	Hamill	Linthicum
Barchfeld	Doolittle	Hamilton, Mich.	Loft
Barkley	Dunn	Hamilton, N. Y.	McGillicuddy
Bartholdt	Dupré	Hardwick	McGuire, Okla.
Bartlett	Eagle	Hart	McKenzie
Beall, Tex.	Elder	Hay	Mahan
Bell, Ga.	Esch	Hayes	Martin
Broussard	Estopinal	Heflin	Merritt
Brown, N. Y.	Fairchild	Helgesen	Miller
Brown, W. Va.	Faison	Hensley	Morgan, La.
Browne, Wis.	Fess	Hill	Mott
Browning	Finley	Hinds	Murdock
Brumbaugh	Fitzgerald	Hinebaugh	Neeley, Kans.
Calder	Flood, Va.	Hobson	Neely, W. Va.
Candler, Miss.	Foster	Hoxworth	Padgett
Cantrill	Fowler	Humphreys, Miss.	Paige, Mass.
Carter	Francis	Johnson, Ky.	Parker
Chandler, N. Y.	Frear	Johnson, Utah	Patton, Pa.
Church	Gardner	Jones	Payne
Clancy	Garner	Kent	Peters
Clark, Fla.	George	Kindel	Plumley
Cooper	Gill	Kirkpatrick	Porter
Copley	Gillett	Konop	Powers
Covington	Gittins	Lafferty	Prouty
Ragsdale	Shackleford	Taggart	Wallin
Rainey	Sherley	Talbott, Md.	Watkins
Riordan	Smith, Minn.	Taylor, N. Y.	Whaley
Rogers	Smith, N. Y.	Ten Eyck	Whitacre
Rothermel	Steenerson	Thacher	Wilson, N. Y.
Rubey	Stout	Underhill	Winslow
Sabath	Stringer	Vare	
Sells	Switzer	Walker	

The SPEAKER. This roll call shows there are 282 Members present—a quorum.

Mr. ALEXANDER. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Missouri moves to dispense with further proceedings under the call. The Doorkeeper will open the doors.

LEAVE OF ABSENCE.

By unanimous consent, on the request of Mr. EAGAN, Mr. HART was granted leave of absence on account of serious illness.

Mr. DOOLITTLE was granted leave of absence for one week on account of sickness.

LETTER FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, August 24, 1914.

Hon. SOUTH TRIMBLE,
Clerk House of Representatives.

MY DEAR MR. TRIMBLE: I do not know in what form the generous resolution of the House of Representatives tendering their sympathy to me when the House first learned of the serious character of Mrs. Wilson's illness ought to be answered. I only know that I earnestly hope that you may find some means of conveying to the Members of the House my sense of genuine gratitude to them for their kind thought of me. After all, these human relationships are the real relationships and bind us together.

Sincerely, yours, WOODROW WILSON.

THE MERCHANT MARINE.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 10 minutes additional to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the House. See Appendix.]

Mr. ALEXANDER. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, in 10 minutes it is impossible even to touch the various points that might be discussed, but I want to refer briefly to the statements of the gentleman from Washington of two classes. First, he declares that section 13 of this bill will give all the transoceanic trade on the Pacific Ocean to the Japanese, and, second, that the passage of this bill will so insult the Japanese that it will bring on war with them. I want to say right now that if we give them all this trade they are not going to be insulted or go to war with us by reason of the bill. I want to say in the next place that both those statements are absurd. He argues that our language test will prevent our ships employing any Chinese seamen, and therefore the cheaper Japanese crews will take the whole business. That argument is false, because Mr. Schwerin, the man representing the biggest shipowning business on the Pacific slope, stated under oath before our committee while being cross-examined about section 13, which requires that 75 per cent of the sailors on vessels clearing our ports shall be able to understand the language of the officers, that 90 per cent of the Chinese sailors whom he now employs understand the language of the officers. And his cross-examination shows that this provision will not interfere with a single ship that he has. Mr. Schwerin also undertook to show that his Chinese had stayed with him, and I think also that they were the best seamen on the ocean, so the requirement as to able seamen will not seriously interfere with hiring Chinese. It is not necessary to refer further to that ominous prediction of the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. HARDY. Excuse me. I have not the time. I have other matters to discuss.

I want to say to my distinguished and esteemed friend from South Carolina [Mr. SMALL] that for one I do hope his anticipation of embarking this country on the sea of discriminating duties will not be realized in his lifetime nor in mine, because that sea is the sea of commercial struggle and warfare and cutthroat methods; it is not the field of peaceful and legitimate rivalry between great nations striving for the commerce of the world by superior skill and capacity.

The imposition of discriminating duties or tonnage dues on foreign vessels entering our ports with import cargoes, in order to give our ships an advantage over them, in what would otherwise be competitive transportation, is just another and the last phase of protection. It is seeking to beat our rivals not by excellence or superiority but by putting heavy burdens on them. That was the policy of nearly all nations up to about 1815. When the Union of our States was made permanent by the adoption of our present Constitution that policy was in vogue, and was being used especially by Great Britain very greatly to the detriment of our shipping interests. Our several States, acting separately, were powerless to retaliate, because they could not act uniformly. If Massachusetts imposed heavy tonnage dues on foreign ships, New York would impose less heavy dues, and the foreign ships would go to New York instead of Boston, and the trade of Boston would suffer. Then Boston might underbid New York and take the trade away from New York. While we were thus unable to act together, England laid heavy dues on our ships going to her ports, and thereby nearly destroyed our shipping. One of the first things the United States Congress did after the adoption of the Constitution gave it control over our foreign commerce was to enact a retaliatory law, imposing the same tonnage dues and special duties on foreign vessels and goods carried in them in our ports that were levied on our vessels and goods carried in them in their ports. There was no division of parties or opinion on the subject. Everybody agreed that so long as our vessels were penalized in foreign ports, foreign vessels must be penalized in our ports. This condition persisted until 1815, covering the administrations of Washington, John Adams, Jefferson, and part of Madison's term.

On this foundation of fact, ignorant or unscrupulous advocates of ship subsidies or discriminating dues are constantly declaring that the Democratic Party in its early history and Mr. Jefferson favored discriminating duties and tonnage dues. They ought to know, and do know, if they have read our history, that at all times Mr. Jefferson and those who followed his political teachings were opposed to the policy, except when driven to it in self-defense, and against its practice by other nations. Mr. Jefferson declared that if he could he would have the seas free on equal terms to the ships and commerce of all nations. While all nations were guilty of this policy of obstruction, our commerce and shipping was equally obstructed by it with that of other nations, but no more so, and we held our own. Besides this, from about the beginning of our Government down to 1815 all Europe was rent and torn by the Napoleonic wars, and European ships were nearly all swept from the ocean, so that our merchant marine grew beyond all others in those early years. But no one in 1815 attributed that growth to discriminating dues. As soon as our war of 1812 was ended and peace was made in Europe, we passed our act of 1815, repealing our discriminating dues in favor of those nations who would repeal theirs in our favor, and began earnestly to negotiate treaties with one nation after another having that end in view. England, on account of her colonial possessions, especially her West Indian possessions and her hoped-for advantages therefrom, clung longest to the vicious policy. All parties here were of one mind and worked together preaching the doctrine of free seas. We had a big trade with the West Indies, and England, while admitting our ships to all her other ports, on fair terms, for a long time refused to let them into that trade except on grievous terms. The people of her colonies (West Indian) groaned and complained to her, because they believed and truly believed they shared in bearing the burdens. Still England persisted, and our ships in that trade paid enormous taxes. Finally our controversy with England reached the point where she absolutely closed her West Indian ports to our ships. About that time Andrew Jackson came to the White House and succeeded where so many had failed in breaking down England's resistance, and the fight, waged since 1815, for free seas was won in 1828 or 1829. We enlarged and deepened our harbors and opened them to the ships of all nations in our trade with them on equal terms with our own ships. Their ports were likewise opened to us. Under this policy our merchant marine flourished. We more than held our own with the greatest maritime nations of the earth. From 1800 to 1860, the era in this country of Democratic rule, our merchant marine in the foreign trade was great. It was great because it contended on equal terms with all other nations on the ocean. Under that policy we had the second greatest merchant marine that the world ever saw. And had that policy continued we would have the second greatest, if not the greatest, merchant marine on earth to-day.

I want to reiterate here the statement that I have always made. I am ambitious to see a great American merchant marine built up, but I do not believe the way to do it is to pursue the tactics that have been pursued by the Republican Party for 60 years. I will not attempt to discuss how much the war had to do with the doing away of our merchant marine in 1860. I grant it was harmful, just as the Napoleonic wars harmed the merchant marine of Europe, 1800–1815; but our Republican friends have practically had 60 years of the administration of this Government, and for 10 years of that time the gentleman from Washington has been a leading Member of the Committee on the Merchant Marine. They have surely had ample time to succeed with their policies, their ideas, their notions, but under their policies our flag gradually disappeared from the sea, and at the end of their régime in this good year, when war comes upon Europe, involving the shipping of other nations, we have no merchant marine to carry even our own commerce to the foreign lands that desire it. Their policy has been a failure, and they can not claim that the Democratic Party in any way contributed to that policy. If their policy has been a failure, it is wisdom for us to try another policy. To my mind, that policy ought to be the one which stood us in good stead from 1815 to 1860, when Europe was at peace and the United States was at peace, under which we held our own, and more than held our own, on the ocean with England and every other nation of the earth. That is the policy of free seas on equal terms to us and all other nations. We should do what every other nation under the sun does—let our shipowners buy their ships wherever they can get them, nail the flag of our country to the mast, put officers of our country on deck, and let them sail in what seas, in whatever trade, and to whatever ports they desire, without let or hindrance or limitation, and have an American merchant marine. But we have petted and pampered a certain small interest in this country, our shipbuilding interest, in a way that no other country under the sun has done. Under that petting and pampering the ships that fly our flag must be built by our shipbuilders, and under that privilege our shipbuilders make them cost us 50 per cent more than the ships of other nations. It is time for us to think. Sixty years of that petting and pampering has destroyed our merchant marine, and in the presence of the great war of the European countries we stand helpless and without a vessel to carry our goods across the ocean. And when, in this stress, the conference committee the other day reported a bill that would have given us free ships, the representatives and lobbyists of shipbuilders and their allies the coastwise shipping combination swooped down on the Senate and defeated the bill.

Give us the ships that cost the same money; then permit us to run those ships at the same expense with other ships coming to our ports, and our flag will get on the sea. And this bill is going to accomplish that second purpose. With free ships this bill will put the navigation of American ships under the American flag on an equality with every other ship. Mr. Speaker, we have had a barbarous law that when a seaman signed articles on the other side of the ocean for a round-trip voyage, he came across——

Mr. GALLIVAN. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. I make the point of order there is no quorum present.

Mr. ALEXANDER. Mr. Speaker, I make the point of order the gentleman has no right to interrupt the gentleman from Texas while he is speaking.

Mr. HARDY. And I do not yield for that purpose, Mr. Speaker.

Mr. ALEXANDER. I assume the gentleman from Massachusetts [Mr. GALLIVAN] is an enemy to this bill and opposed to it. Am I right? Is the gentleman an enemy of this bill?

Mr. GALLIVAN. Mr. Speaker, I have raised the point of order that there is no quorum present.

The SPEAKER. The Chair will decide it. Evidently there is not.

Mr. BUCHANAN of Illinois. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN of Illinois. I make the point of order that the gentleman's point is dilatory. It has been only about 10 minutes since a quorum was shown to be present, and the probability is that it is present at this time.

The SPEAKER. The Chair will count in order to ascertain. [After counting.] Before announcing this vote, the Chair wants to make a statement. The Chair has a perfect right to count the Members in the cloakrooms and in these lobbies out here.

Mr. MANN. I take exception to that.

The SPEAKER. It does not make any difference.

Mr. MANN. Well——

The SPEAKER. That has been decided time and again. Speaker Reed did it, and announced he would count everybody in the cloakrooms; and I will do the same, too. [Loud applause on the Democratic side.]

Mr. MANN. And if the Speaker will pardon me, the Democratic Party, including, I think, the present occupant of the chair, termed him a czar for that and other reasons, but that was the extremest reason. I do not think Speaker Reed was justified in it, and I do not believe the present Speaker will be justified in it, nor do I think it will do any good.

The SPEAKER. It does not make any difference what Speaker Reed was called or what this Speaker is called. Speaker Reed counted and announced that he would continue to count gentlemen who absented themselves and tried to hide in the cloakrooms and in the lobbies, and he announced that all of these rules were made for the purpose of expediting business and not for the purpose of retarding business. [Applause on the Democratic side.] And it makes no difference what anybody said about him at the moment, time has vindicated him.

Mr. MANN. Time always vindicates him.

The SPEAKER. I stated that on the floor of the House in 1897, and also that he ought to have a monument built to him for that quorum-counting rule. I was one of the new Members in the Fifty-third Congress who forced a quorum-counting rule to break up filibustering. There are 165 Members present—not a quorum.

Mr. ALEXANDER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Elder	Humphreys, Miss.	Platt
Aiken	Esch	Johnson, Ky.	Plumley
Ainey	Estopinal	Johnson, S. C.	Porter
Ansberry	Fairchild	Jones	Post
Anthony	Faison	Kent	Powers
Aswell	Fess	Key, Ohio	Prouty
Austin	Finley	Kindel	Rainey
Barchfeld	Fitzgerald	Kirkpatrick	Riordan
Barkley	Flood, Va.	Kitchin	Rubey
Bartholdt	Foster	Knowland, J. R.	Sabath
Bartlett	Fowler	Konop	Saunders
Beall, Tex.	Francis	Lafferty	Sells
Bell, Ga.	Frear	Langham	Shackleford
Brown, N. Y.	Gardner	Lazaro	Sherley
Browne, Wis.	Garner	Lee, Ga.	Sisson
Browning	George	L'Engle	Slemp
Brumbaugh	Gill	Lenroot	Smith, N. Y.
Calder	Gillett	Lewis, Pa.	Sparkman
Cantor	Gittins	Lindquist	Steenerson
Cantrill	Glass	Loft	Stout
Chandler, N. Y.	Graham, Ill.	McGillicuddy	Stringer
Church	Graham, Pa.	McGuire, Okla.	Switzer
Clancy	Griest	McKenzie	Taggart
Claypool	Guernsey	Mahan	Talbott, Md.
Cooper	Hamill	Martin	Thacher
Copley	Hamilton, Mich.	Merritt	Underhill
Covington	Hamilton, N. Y.	Miller	Vare
Crisp	Hardwick	Morgan, La.	Walker
Decker	Hart	Mott	Wallin
Dickinson	Hay	Murdock	Watkins
Dies	Hayes	Neeley, Kans.	Weaver
Dillon	Heflin	O'Hair	Whaley
Dooling	Hensley	Padgett	Whitacre
Doolittle	Hill	Paige, Mass.	Wilson, N. Y.
Driscoll	Hinds	Parker	Winslow
Dunn	Hinebaugh	Patton, Pa.	Woods
Dupré	Hobson	Payne	
Eagle	Hoxworth	Peters	

The SPEAKER. On this roll call 279 Members—a quorum—have responded to their names.

Mr. ALEXANDER. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Texas [Mr. HARDY] is recognized for five minutes.

Mr. HARDY. Mr. Speaker, in connection with what I said about giving the right to the shipowner to buy ships where he wishes, I know it will be said that that right was granted under the Panama act and has been granted again in a more enlarged sense under the bill which was passed the other day. But I wish to say that when the Panama act was passed I said then that not a ship would be registered under it, for the reasons, first, that while we professed to give the shipowner the right to buy his ship where he pleased, we at the same time denied him, when he put the ship under our flag, any right that he would not have under a foreign flag; and, second, while there was no inducement under that act for him to change his flag, there was some inducement for him not to do it, because by putting his ship under the American flag he gained no right that he did not have under a foreign flag and he lost whatever special rights he might have had under that foreign flag. I do not know just what those rights may be, but doubtless there are many and valuable privileges granted in their domestic trade by all nations to ships under their own flag.

It did not take a prophet to foretell that no foreign-built ship would come under our flag under the terms of the Panama act. None would come in under the amendment to that act we passed the other day but for present war conditions. Mr. Speaker, on the bill before us, which will tend to equalize the cost of operating American and foreign ships, there has been ominous talk of entanglements and war by reason of its provisions with reference to foreign ships. That is a mere will-o'-the-wisp, an idea conjured up in a gentleman's mind, because there is not a burden placed on a foreign ship under this bill that is not also placed on the American ship, and no foreign nation has a right to complain of a burden placed on its ships when that same burden is placed on all the ships that we give the right to enter our ports, our own included. Give us ships of equal cost and operation at equal cost, and American ships will navigate all seas and will carry our commerce; and should the conditions arise in future years that have arisen in the last few weeks, it will not find our country without a flag on the seas or without a ship to carry our products abroad.

Mr. MADDEN. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. HARDY. No; I regret I can not yield. I have less than five minutes. The gentleman does not want to take my time now, I know.

Mr. Speaker, this bill is intended to equalize the cost of operation of the ships—the foreign and the domestic ships. Under an antiquated law, applying to almost all nations, there has been a relic of barbarism of the past preserved in the involuntary servitude of the seamen on board the vessels of all nations. When a seaman signs a contract for a voyage he becomes no longer a freeman under our present law, but a slave, subject to arrest if he violates his civil contract. In no other calling under the sun is a man who makes a civil contract and violates it subject to arrest; but let the sailor violate his civil contract by leaving his ship when she is in safe harbor but when he has not completed his contract, perchance to go back with her on her return voyage, and you get after him with the minions of the law. You put handcuffs upon his wrists, and you throw him on board the vessel he has deserted as lumber, as a property subject, not a freeman, not a man.

My countrymen, I come from the South, and I know the time when the so-called last relic of slavery was abolished in this country. I am here to say that to-day, although I did not like and do not like the manner of its ending, I am glad there is no slavery in this country of the black race to-day. [Applause.] I am equally glad that when the sun goes down this good day, so far as the House can express itself upon it, there will be no further slavery among the white men of this land. [Applause.] I remember as a boy that when the slave fled from his master, or even took the liberty to visit a near-by plantation, he had to look out for the patrol or carry a pass. That day in the South, on the plantation, for the black man has passed.

But the day has not passed when the seaman leaving the ship has to look out for the patrol.

History shows that the struggle for freedom has been an upward struggle, and a hard one, from generation to generation. Who does not know the story of John Bunyan, thrust into prison for violation of a civil obligation, or for the failure to pay a debt? In that prison he dreamed such dreams and painted such pictures as made him immortal among the writers of song and story of the earth. [Applause.] We still have among us a relic of the barbarism that threw John Bunyan into prison. But this bill will strike the chain from off the seaman's wrist and make the seaman as other men in this land—a free man. In doing so, it may be that some contract, made in a pauper-labor, pauper-stricken country, for $12 a month or $8 a month, will be permitted to be violated by the desertion of a seaman on our shores who will get better wages when he returns to work under another flag or in another port. But in doing so a great public policy is served, and every vessel that flies our flag is given an equal showing with other vessels upon the ocean trip between this country and Liverpool, or Bremen, or Hongkong, in the rate of wages paid, and the American flag will fly above free

men receiving the same wages that are paid to other seamen, following other flags in our ports, and there is no reason why the American flag should not again compete with every other flag and ride triumphant on every sea under the guidance of American skill and American free manhood. [Applause.]

Mr. GREENE of Massachusetts. I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, please notify me at the end of 5 minutes.

I hope that no one will make the point of no quorum during the few minutes in which I address the House. But speaking of quorums, day before yesterday one of the distinguished Members of the House, in discussing the Underwood resolution, passed on Tuesday, stated in his speech:

> Democrats, regardless of the North, East, West, and South, are demanding that the Republicans stay here and perform their duty. We propose to keep you here now to transact the public business and put through measures that are important to the people of this country. We propose to keep you here and make you attend to your duty.

The Republicans are here, as they have been all the time, but the gentleman from Alabama [Mr. HEFLIN], who made these remarks, is not to be found within the precincts of the Capitol. He is good at telling other people what they ought to do. I do not know where he is. Perhaps he has been taken suddenly ill.

Mr. Speaker, I shall vote for the bill which is now before the House, and I want to congratulate the gentleman from Missouri [Mr. ALEXANDER], chairman of the committee, and the gentleman from Massachusetts [Mr. GREENE], the ranking Republican on the committee, as well as the rest of the committee, on bringing before the House a bill unanimously agreed upon.

In the last Congress the House passed the seaman's bill after a long discussion, and with a good many amendments. I supported the bill at that time, as most of the other Members did. It went to the Senate, and the Senate passed the bill in the very last days of the Congress. President Taft gave it a pocket veto. Possibly what is now occurring is a justification of what President Taft did in declining to sign the bill, because the present bill is very different from the former bill. I supported both of them. I supported the bill in the last Congress with more knowledge of what it contained than I have as to the present bill. I do not profess to be qualified to judge of the technique of seamanship or the technique of the requirements of vessels at sea; but I can see that in this measure there is an enlarged liberty to the seamen, whatever effect it may have upon the shipowners.

There is one thing in this bill which I regret has to be in it at this particular time. That is the requirement that this Nation shall cancel or give notice of the end of its treaties relating to foreign ships at our shores. The one thing that concerns me more than all the rest to-day is the desire to keep the United States at peace with the world. [Applause.] Very likely these treaties ought to be canceled. I do not deny that. I do not know; but I fear that nations abroad, who will look askance upon the growth of business in this country at the expense of foreign countries in dealing in the foreign trade, will think this bill is passed now with this provision in it because we think they are not now able to protect themselves, and that they will have a very strong feeling against us for that reason.

The SPEAKER. The gentleman has occupied five minutes.

Mr. MANN. If we keep our heads, if we keep cool, if we do not become hysterical, if we keep nonpartisan in the war that is now occurring, the prosperity of the world will largely fall into our laps. The civilization of the world depends on the attitude which the United States of America takes in the present contest, and we must preserve our temper and preserve the civilization which is coming down to us. [Applause.] Mr. Speaker, I yield back the balance of my time.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield to the gentleman from Washington [Mr. HUMPHREY] the remainder of my time.

Mr. HUMPHREY of Washington. Mr. Speaker, I did not intend to speak further upon this question, and I would not if it were not for a statement made by the gentleman from Texas, my good friend Judge HARDY. He said in his argument that this bill would not do away with the Chinese crew. If that be true, I am greatly disappointed and can not see the purpose of the bill. I can not understand if we are not going to do away with the cheap crews why we should at this inopportune time, as called to your attention by the distinguished gentleman from Illinois [Mr. MANN], pass a bill that is going to be looked upon with suspicion by every other nation of the world. What are we going to accomplish by it if we are not going to be rid of the cheap crews? Nobody objects to that portion of the bill that is going to free the American sailor. I thought, when the gentleman was making his speech, that he should have been fair enough to the American people to say that as far as the coastwise trade was concerned a law abolishing imprisonment for desertion has been on the statute books for many years.

The gentleman from Texas says the reason why the free-ship clause in the Panama Canal bill failed is because we did not admit those ships to the coastwise trade. What my distinguished friend wishes, is to admit foreign-built ships to the coastwise trade. If we did that, and if ever again unfortunately such a condition should come upon us as there is to-day, we could not even send a vessel from New York to Philadelphia. Such action would destroy our shipyards and place the coastwise trade in the same condition we are in to-day on the high seas. That would be the result of admitting foreign-built cheap ships to the coastwise trade, and the foreigners would control that trade as completely as they do to-day on the high seas.

I am sorry the gentleman from Texas injected politics into his argument; but having done so, I can not refrain from calling attention to the fact that he blamed the Republican Party for conditions that exist to-day—and we are largely responsible for it, for my party should have corrected that condition long ago. Many in this House remember that when the Republican Party was in power we did pass a bill through this House. It went to the Senate and it was not defeated by votes; it was defeated by a filibuster by two Democratic Senators. If that bill had been on the statute books to-day, we would have had at least 50 great steamers on the Atlantic Ocean that could bring our stranded people home from Europe. We would also have had several lines on the Pacific.

I want to call the attention of my distinguished friend from Texas to the fact that the only vessels to-day under the American flag, running between this country and Europe, are running under a subsidy law that was placed on the statute books by a Republican Congress and signed by a Republican President. What man in this Nation to-day regrets that that subsidy law is on the statute books? What man dare advocate that this subsidy law be repealed, the law that has kept upon the seas the only vessels which we have under the American flag, running across the Atlantic Ocean? [Applause.]

Mr. ALEXANDER. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. CASEY].

Mr. CASEY. Mr. Speaker, in the short time at my disposal it will be impossible for me to discuss all the provisions of this bill. I believe it is one of the most important measures that has come before this House for consideration. I am of the opinion that the Members of the House, instead of carrying on a filibuster against its passage, should be doing everything in their power to bring about the enactment of this proposed legislation.

The bill before us does not meet with my entire approval, but there are so many good provisions in it I will vote for it, and sincerely trust that the Members of the House will vote for the motion to suspend the rules and pass this measure to-day, thus sending it to conference, where the small inequities which are in it may be straightened out. I am confident that the conferees will report back to this House an amended bill which we will all be satisfied with.

The provisions of the measure under consideration, freeing the seamen from some of the wrongs under which they are compelled to labor, assuring them a greater degree of protection, and giving the traveling public the safety so justly desired, merits the vote of every Member of the House.

Mr. Speaker, I regret that the allotted time will not permit me to say anything further in connection with this important matter. However, I desire to extend my remarks in the RECORD by inserting a petition presented to the President of the United States bearing on this subject [applause]:

> BOSTON, *June 4, 1914.*
>
> To the PRESIDENT OF THE UNITED STATES:
>
> Mr. President, on behalf of the seamen of the United States we respectfully bring to your attention the following statement, prepared at the Eighteenth Convention of the International Seamen's Union of America, held at Boston, Mass., June 1–6, 1914, explaining why we believe the seamen's bill, S. 136, should be enacted into law without further delay.
>
> The bill, Senate 136, which passed the Senate on the 23d day of October last and which is now pending in the House of Representatives, is substantially the same as H. R. 23673, which passed the House in the last Congress, except that the present bill, S. 136, has a new clause requiring sufficient lifeboats for passenger vessels.
>
> In the report of the Committee on the Merchant Marine and Fisheries, May 2, 1912, after exhaustive hearings in which all objections were given consideration, the bill is described as follows:
>
> "First. It will give freedom to the sailors.
>
> "Second. It will promote safety at sea.
>
> "Third. It will equalize the operating expenses of foreign and domestic vessels engaged in our over-sea trade and tend to build up our merchant marine."
>
> In our country seamen are the only persons who may be punished for violation of a civil contract to labor by being arrested as deserters—

except in the domestic trade—detained, and finally delivered back to the ship or sentenced to a term in prison for the simple act of quitting the service of an employer.

Modern education and this ancient status exist together. The native American, therefore, has left the sea to such an extent that few now remain, and the white man everywhere is leaving because of the taint of slavery which extends in its influences even into the exempted portions of the calling.

Congress should abolish the slave laws. Let American freedom extend to the decks of the American ship; let American soil become free soil for seamen as it is for all other men; then the United States will have the pick of the world's best seamen while it is developing a much-needed native personnel, a body of native American seamen owing allegiance to our flag and to none other. In short, Congress should enact Senate bill 136.

The hours of labor are discretionary with the owner and master. The seamen must work until exhausted or go to prison for "disobedience to lawful command."

Twelve hours' work every day, seven days a week, at sea, is the minimum often exceeded. In port, 15 or 18 hours a day, sometimes 30 to 40 hours at a stretch are required. Then the vessel proceeds to sea, and, without intervening rest, the men begin their sea watches.

Men who work thus are too much exhausted to attend to safety of ship and passengers. Yet in this condition they go to the lookout, to the wheel, and to other work upon which the safety of all depends.

Men on shore demand and often get the eight-hour day and the six-day working week. Seamen ask simply watch and watch at sea (two on deck, three in firerooms), and a nine-hour workday in port, except in emergencies. Such regulations are provided for in Senate bill 136.

Safety at sea, as everywhere else, depends either upon self-interest or upon law. The present insurance system and the laws limiting liability of shipowners to freight money pending and proceeds from sale of wreck has eliminated self-interest and legal responsibility on the part of the owners except as noted below. Safety, therefore, can only be attained through laws compelling the necessary safeguards.

The courts in the case of In re Pacific Mail Steamship Co. denied the benefits of limited liability because of the proven incompetency of the crew. Such proof is very difficult to make, and the question can not be raised until after the disaster. Shipowners avoid the whole point by organizing one corporation for each vessel, the wreck of which destroys the assets.

At present the shipowner may send his vessel to sea with a crew not one of whom, except the few licensed officers, has had any experience or can understand orders. There is now no limit to the number of passenger decks above the water line, nor to the number of passengers a vessel may carry in the domestic trade, except the conscience of the local inspector, pressed to the limit by the power and persuasion of the shipowners. Thus there is undermanning and lack of skill in the crew, and in many instances dangerous overcrowding of passengers.

Senate bill 136 regulates this by requiring a percentage of able seamen on all vessels over 100 tons; that there shall be two such men, or men of higher rating, for each lifeboat on passenger vessels; that 75 per cent of the crew in all departments must be able to understand orders of the ship's officers, and by basing the number of passengers upon the number and capacity of seaworthy lifeboats.

Opponents of Senate bill 136 claim that some vessels can not carry a sufficient number of lifeboats on account of lack of space. That is true only in cases where steamers are now dangerously overcrowded. If lifeboats are necessary for a part of the passengers and crew, why not for all?

There should be no exemption of the coastwise trade, the Great Lakes, or of bays and sounds. The Great Lakes, for instance, have within the past few months again proven among the most dangerous waters in the world.

Proximity to land, except it be river banks or harbor docks, is not an element of safety. There is the added danger of a lee shore and of crowded navigation.

"Reaching land" means beaching the vessel, and is only done in hopes of saving a few when otherwise all would perish. She may ground in from 12 to 20 feet of water a hundred fathoms to a mile distant from land, or the shore may be steep and rocky. But a collision or a fire may make "reaching land" impossible.

On excursion steamers the greatest danger is from fire. "Beach her, put on life preservers, and jump overboard" is the "safety" offered by opponents of the bill. But how can help then be given without lifeboats?

Assuming that all the "women and children first" have jumped overboard, how long can they remain in the water without perishing? Of whose children were the shipowners thinking when they urged this as a means of safety, and what children were the inspectors considering when they accepted it?

No one will claim it is safe to crowd people into a theater or a shirtwaist factory and then to lock the doors.

Is it not even more dangerous to jam a steamer full of passengers and then to send it out of harbor without having on board the means whereby they may be taken off quickly and safely in case of need? Whether it be an ocean liner or an excursion steamer, the necessity is the same, in that there should be lifeboats for all and skilled men to handle such boats. Other means are of little avail.

Permit us to say here, however, that the great majority of seamen are employed on cargo vessels that do not carry passengers; and cargo vessels, whether sail or steam, regardless of the route, distance from shore, or the season, always carry sufficient lifeboats for all on board. It is only passenger vessels, with their loads of men, women, and children, that do not carry lifeboats for all. To us as seamen, if we thought only of our own interests, a few lifeboats and a few able seamen, more or less, on passenger vessels would make little difference. But we know the danger, and believe it our duty to tell the whole truth about existing conditions on board ship, and to urge as strongly as we can the legislation needed.

Inefficiency in the engine department, aside from its dangers, lessens speed, increases repair expense and consumption of fuel, and is therefore a constant appeal to self-interest.

Service in kitchen and saloon determines comfort; inefficiency there, being continuously apparent, results in loss of patronage, and is guarded against accordingly.

The steadily growing inefficiency in the deck crew results in the increasing loss of life and property. Here the shipowner is secured by insurance and limitation of liability. Lloyd's underwriters faced $35,000,000 liability in year just ended. Safety depends at all times upon the human element, at sea more than elsewhere.

The deck duty is so varied and crowded with emergencies that down through the times four years' experience on deck was required as training for the rating of able seaman. British and Norwegian commissions dealing with existing conditions recommended that a standard of three years' experience on deck be set by law. This now is the law in Great Britain, Germany, Australia, New Zealand, and is the standard set by Senate 136. Safety of the vessel, which is the primary need, requires a sufficient number of these men to attend to their duties without overwork.

When a ship must be abandoned the only safety is in lifeboats, the average crew of which is seven or more. At least two of the men in each lifeboat must have the highest skill and calmest judgment attained by seamen for the purpose of lowering the boat, getting away from the ship's side, attending to the sea anchor, using the steering oar, and guiding the work of the others. Such knowledge and training can not be obtained in the saloon or fireroom or from any occasional "drill." Nor can men from the hot fireroom or sheltered saloon, scantily clothed, long endure the exposure in the bow or stern of a lifeboat.

The sailors' daily work in all kinds of vessels and weather, at the wheel, on the lookout, and on deck teaches them to know the sea and how to work with it. Their work with tackles, lines, and cables, in hoisting and lowering, trains their judgment of strains and distances. Up to their number they are now distributed amongst the lifeboats when all the boats are needed, and they are always the crew of the emergency boat for rescue work at sea.

The claim that able seamen, to qualify under Senate bill 136, are not available is not based on fact. The fact is that the average shipowner now refuses to employ a sufficient number of able seamen for reasonable safety at sea. But he eagerly accepts them into harbor gangs, where, with the skill gained at sea, they prevent much damage in the shipping, hoisting and lowering of expensive and heavy merchandise. Marine insurance covers freight only when it is in the vessel.

After the *Titanic* disaster, under pressure of public opinion and for the purposes of advertisement, the number and capacity of lifeboats were increased in the North Atlantic trade in advance of legal requirements. In other trades no change came until the promulgation of new rules. But in no trade was the number of men increased, and the skill is lower than it was five years ago.

In every large city will be found many men who have left the sea in rebellion at the conditions imposed and who have found that on shore the skill acquired at sea enables them to earn wages that permit of family life.

The real opposition to Senate bill 136 is not because of the increase in size of deck crew. In more than 90 per cent of the vessels no increase in the number will be required. But inexperienced men will be replaced by able seamen, who, having greater skill, will require higher wages.

At present the controlling thought in navigation is cheapness. To get cheap men and to hold them the shipowners insist upon paying wages before they are earned, upon denying part payment in port after it is earned, upon involuntary labor, and imprisonment for desertion. Thus they retard the natural development of skilled seamen and steadily force self-respecting men from the sea.

This must be reversed or shortly there will be no Caucasian seamen. "The prompt alleviation of the very unsafe, unjust, and burdensome conditions which now surround the employment of sailors and render it extremely difficult to obtain the services of spirited and competent men, such as every ship needs if it is to be safely handled and brought to port," must be attained through law. Such law must be made applicable to all vessels sailing in and out of the ports of our country in order to equalize the wage cost of operation or we shall never have a national merchant marine or seamen available for our Navy.

Under treaties and statutes our Government now uses its police powers, at the request of foreign shipowners, to capture and return seamen who attempt to quit the service of their ships. It is by this means that the wage rate of foreign ships is forcibly kept lower than that prevailing at American ports.

This marks the one advantage which foreign ships now hold over the American ships in the foreign trade, and which prevents the proper growth of our merchant marine. Other conditions have been equalized.

The building cost was equalized by a clause in the Panama Canal act, permitting American register to foreign-built ships for purposes of the foreign trade.

The cost of supplies is equal to all. An American ship trading between New York and Antwerp, for instance, purchases her supplies in Antwerp if the cost there is lower than in New York.

The remaining item, and the most important, is that of labor cost on the vessel itself, i. e., the wages of the crew. If conditions can be brought about whereby the wage cost of operation will be equalized, the development of our merchant marine and our sea power will be unhampered.

This is within the power of our Government. The present situation is entirely artificial. The remedy is to set free the economic laws governing wages, economic laws which, in their application to seamen, are now obstructed by treaties and statute law.

There has been a very common misapprehension that wages of seamen depend upon the flag under which they work. Their wages depend upon the port in which they are hired and sign shipping articles, regardless of the nationality of the vessel, and the wages in that port depend upon the standards of living in the country where the port is located. In other words, the economic law governing wages of seamen is exactly the same as that governing wages of any other class of workers.

Imagine two ships, one flying the American flag and the other a foreign flag, moored at the same dock in New York. The crew of the American vessel has been hired in New York at American wages; that of the foreign ship at some low-wage port in the Mediterranean. The two crews come into contact, each discovering the wages and conditions of the other.

What is the natural result? Unless prevented by force, the crew of the foreign vessel would either get the same wages as paid on the American vessel or they would quit. The foreigner would then have to hire a new crew at the wages of the port, not as the result of any organized action by the men, but as the result of individual desire inherent in human nature.

The foreign owner would have gained no advantage by his refusal to pay the higher wages to the crew he brought here. Under such conditions ordinary business sense would quickly induce him to pay his crew in accordance with American standards, in advance of arrival in an American port, as the only way to retain their services and thus avoid the cost involved in delaying his vessel for a new crew.

In 1884 Congress enacted a law intended to enable American shipowners to hire their crews in foreign ports where wages were lowest and to hold these crews in American ports where wages were higher. It was an attempt to force wages down to the foreign standard, but it failed to accomplish its purpose. The whole pressure of American life was against it.

The way to successfully equalize the wage cost of operation is to permit the men on all vessels in our ports to release themselves instead of assisting shipowners to forcibly hold them. Equalization will then follow a natural course upward to the higher level in response to economic conditions. Equalization downward by artificial means is impossible, and results only in men quitting the sea.

Congress should reassert and maintain domestic jurisdiction over all vessels in our ports, enact standards of safety and skill based upon American conceptions, equally applicable to all, and kept under control of our own Government, thus depriving foreign vessels of any special privileges. The wage cost of operation will be equalized and so remain, and there will be no need of subsidies to rebuild the American merchant marine.

American shipowners having money invested in foreign ships, with their partners the European shipowners, understand this to be the inevitable result of Senate bill 136. It will give real American ships proper opportunities in the foreign trade. That is why they oppose it.

This can not be done, however, if the pending international convention on safety of life at sea is ratified. That convention is in direct conflict with the purposes of the seamen's bill. It does not provide adequate safety regulations; it legalizes some of the very worst of existing practices in the matter of equipment; it permits of the employment of the cheapest and least effective men; it makes no provision whatsoever for skilled seamen in the deck crews; it makes doubtful the right of the United States to abrogate that part of existing treaties under which seamen on our shores are now treated as slaves; it permits of overcrowding in immigrant vessels, because it interferes with the passenger act of 1882; it is a concession to foreign ship-owning interests, in that it gives up, in a large measure, the control which our Government now has a right to exercise over vessels of all nations when in American waters; and it will cede to foreign nations a commercial advantage which will prevent the United States from building up a merchant marine that can compete with the vessels of other nations for the over-sea trade of the world.

We ask your assistance, Mr. President, to prevent the ratification of the proposed treaty and to secure the passage of the seamen's bill.

Respectfully submitted.

PERCY J. PRYOR, Boston, Mass.,
H. P. GRIFFIN, New York,
OSCAR CARLSON, Philadelphia,
THOS. CONWAY, Buffalo,
VICTOR A. OLANDER, Chicago,
I. N. HYLEN, San Francisco,
JOHN VANCE THOMPSON, San Francisco,
JOHN CARNEY, Seattle, Wash.,
JOHN H TENNISON, San Francisco,
JACK ROSEN, San Francisco,
ANDREW FURUSETH, San Francisco,
THOS. J. MCCLINCHEY, San Francisco,
Committee from Convention International Seamen's Union of America.

Attested:

T. A. HANSON,
Secretary-Treasurer, Chicago, Ill.

Mr. ALEXANDER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Mr. Speaker, we should keep in mind that the purposes of this legislation are to secure the freedom of seamen, to secure safety at sea for the traveling public, and to promote the American merchant marine by equalizing the cost of operation of American and foreign ships trading from and to American ports. The question has been fairly well presented, and it will be impossible for me to say all that I could say as to the importance of this legislation. In passing I want to say, however, that within the next hour I hope, if some one does not make the point of order of no quorum, that this bill will have passed the House, and when it has, then organized labor's grievances, presented to Congress and the President in 1907, will be wiped off the slate, and I desire to thank the House of Congress for their favorable consideration of remedial legislation directly affecting labor.

It has been said here by some that the abrogation or amendment of treaties due to the passage of this bill may complicate us with foreign nations. It has been said by the gentleman from Washington [Mr. HUMPHREY] that Japan is going to become aggrieved, and we will probably come into conflict with her. It seems to me that neither Japan nor any other nation would be justified in complaining when we pass legislation that equalizes conditions under which ships from all nations operate trading to and from American ports.

In regard to complications with other nations it is well known that organized labor sincerely desires the passage of this legislation. Organized labor has always and everywhere exercised its influence for peace and to prevent war. Organized labor does not desire legislation that will complicate this country in war with any other nation, and we believe there is no opportunity for it at this time, because legislation of this sort is going to uplift the condition of foreign workmen as well as the American seamen.

It is to be hoped that the conferees of the Senate and the House together will succeed in agreeing to a report which will finally make a practical, workable, efficient law.

The differences between the Senate bill and the committee substitute are of such nature that there is ample opportunity for an agreement such as will accomplish the purposes intended and results desired. I have confidence that the conferees will come to such understanding and agreement.

The two bills are alike in this, that they repeal statutes and provide a means of abrogating or amending treaties under which American seamen are arrested, detained, and surrendered back to their vessels under treaties with foreign nations, and under which the United States arrests, detains, and delivers to their vessels any foreign seamen who may desert; that is, violate their contract to labor within the jurisdiction of the United States. They are further alike in this, that the seamen on foreign vessels in American ports and American seamen in foreign ports have a right to demand and receive one-half of the wages earned, excepting in this, that the Senate bill provides that the money shall be paid within two days after demand therefor in any port where a vessel loads and discharges cargo, while the substitute has no such provision, but provides that such demand may not be made oftener than every sixth day. Thus the substitute may be so construed that half pay may be withheld until the vessel is about to leave, thus leaving no time to have the right enforced.

The Senate bill provides for the absolute prohibition against payment of advance or allotment to original creditor and makes it applicable to all vessels within the jurisdiction of the United States. The substitute adds the following proviso:

Provided, That treaties in force between the United States and foreign nations do not conflict therewith.

It is to be hoped that the conferees will strike this proviso out, because it will permit some merchant vessels to pay advance in ports of the United States while it will be prohibited to American vessels and to some foreign vessels, and the vessels who have this right will always be able to obtain cheaper crews than those who have not. It is a special privilege conferred upon some nations' vessels that will work to the disadvantage of other nations' vessels, including American vessels, and it is a serious and crying evil under which the seamen have too long suffered and under which the crimping system has flourished. To strike it out means equalizing the condition to all vessels and to wipe out the crimping system in so far as American ports are concerned. (Section 11, p. 35.)

Section 1 in the Senate bill is sections 1 and 2 in the substitute. Section 2 of the substitute deals with the hours of labor and working conditions, both at sea and in port. The exemption of bays or sounds, on page 22, line 19, will, unless modified or stricken out, permit the undermanning and overworking of a large number of vessels trading along the coast. Bays and sounds are indefinite terms. A bay may be nearly sheltered or wide open to the ocean. It may be small or large. One need but look at the map of the United States to realize that this expression should be stricken out. It was evidently put in to preserve the present working conditions in those places, but the present working condition has been responsible in the past for such disasters as the *General Slocum*, the *Monroe*, and others.

The Senate bill provides that there shall be no unnecessary work on Sundays or legal holidays. The committee substitute provides specific days as holidays, leaving out very many State holidays. This will cause friction that might much better be avoided by permitting to the men the enjoyment of such holidays as shall be celebrated in ports of the United States where the vessel happens to be at the time.

Section 13 of the substitute corresponds to section 12 of the Senate bill. In dealing with individual efficiency the difference between the two does not seem material; but in the matter of safety the difference is so great that I should hesitate to vote for the bill, if I did not believe that the committee of conference will deal with this matter from the point of view solely of the safety of the traveling public.

The Senate bill provides lifeboats for all and two able seamen or men of higher rating for each lifeboat. The substitute leaves this matter out of section 13 and introduces a section 14, in which it seems to deal with vessels of the United States. And then it goes on to determine what is a seaworthy lifeboat, what is a proper pontoon raft, the number of boats that are to be carried, the number of rafts that are to be carried, specifying the waters and treating the open sea differently within the 20-mile limit than outside of the 20-mile limit; permitting vessels within the 20-mile limit a certain time of the year—that is, from May 15 to September 15—to run with 30 per cent of its passengers and crew without either boats or rafts. For the same period it provides 20 per cent of boats, 30 per cent of rafts, and 50 per cent of the passengers to be without either means of safety on the Lakes. And this in spite of the experience of the *Monroe*, the *Empress of Ireland*, and the tremendous losses of human life on the Lakes within the last five years.

In place of two able seamen or men of higher rating for each boat there is, on pages 65 and 66, a provision for what is called

"certificated lifeboatmen." This is an innovation on shipboard, so radical and fraught with such consequences, both from the point of view of safety and of discipline, that I look upon it with the greatest apprehension. The preparation and training of the certificated lifeboatmen is such that the qualifications may be attained after a week's training in smooth-water drilling with an empty boat, manifestly an ineffective preparation for the most difficult and most important of the work that a seaman has to perform, namely, the saving of human life in case of disaster. Industrially and from the point of view of discipline I feel sure that the burden upon the shipowner will be greater under the substitute than under the Senate bill, and I do hope that both for the sake of safety to the public and expense to the shipowner the conferees may give to this particular point earnest and painstaking consideration.

On page 67 "a licensed officer or able seaman" is to be placed in charge of every boat or raft. This means that an engineer will be placed in charge of a lifeboat. There is nothing in his work that prepares him for this. It will be done over his protest and to the serious endangering of human life. It should read a licensed deck officer or able seaman. There surely ought at least to be one man in the boat who is accustomed to the sea and knows enough about it to work with it for the safety of himself and those who are in the boat with him.

I here desire to insert an editorial from the Washington Times, July 20, 1914, and also an article from the Chicago Herald, July 18, 1914:

[From the Washington Times, Monday, July 20, 1914.]

THE "MASSACHUSETTS" FIRE.

The *Massachusetts* was on fire in New York Harbor. If the fire had broken out a few hours later, with no fire boats in the vicinity, the 900 persons on board might have had only the choice of burning or drowning. As it was, it came very near being another *Slocum*. In the opinion of those who gave the assistance, the vessel's crew could not have conquered the flames.

Upon whom would the responsibility in such case have rested?

Congress has absolute and exclusive jurisdiction, and Congress, therefore, can not escape complete responsibility.

That vessels are underequipped in actual life-saving appliances is no longer in dispute.

One question is, Shall this condition be permitted to continue?

The other is, To what extent shall boats be furnished?

Third. Shall the vessel be sufficiently manned to meet emergencies, and, if necessary, to lower the boats and get them away from the ship?

About 6,000 persons have lost their lives in passenger vessels in the last half decade. More than two years have passed since the sinking of the *Titanic*. Very few know how long it is since the burning of the *Slocum*. The sinking of the *Empress of Ireland* was but the other day.

Congress has all the information. Investigation after investigation develops the same sordid facts—underequipment, undermanning; and in this case it is stated that the crew could not have conquered the flames.

In the meantime, the seamen's bill is slumbering on the calendar, after having been emasculated in the committee.

There is no telling how quickly we shall witness the horrors of another *Slocum*, another *Titanic*, or another *Empress*. The people are beginning to understand, and will place the blame where it belongs. Members of Congress will have to account to their constituents and to the people as a whole until such means of safety as can be provided by law are commanded.

[From the Chicago Herald, July 18, 1914.]

EXCURSION BOATS HELD MENACE TO THE YOUNG—PERSONAL SAFETY AND MORAL WELFARE ENDANGERED, SAYS REPORT TO BODINE—BOYS AND GIRLS DRUNK—GAMBLING FLOURISHES AND LIQUOR LAWS ARE IGNORED, SAY INVESTIGATORS.

Conditions that are a menace to the personal safety and moral welfare of Chicago school children exist on Lake Michigan excursion boats, according to a report submitted yesterday to Peter Reinberg, president of the board of education, by W. L. Bodine, head of the compulsory education department of the board.

Gambling flourishes openly, he says, and intoxicating liquors are sold to minors without regard for the law. Rowdies are permitted to insult women and children, and a clique of young men infest the boats who look upon unescorted girls as legitimate prey, according to the report.

Mr. Bodine's findings are based upon information gathered by a corps of investigators who rode on the boats plying out of Chicago from June 29 until July 8.

FINDS GIRLS DRUNK.

The report says, in part:

"Boys only 17 years of age and girls under 16 were found drunk during a Fourth of July crush.

"A vicious and degenerate element travels on some of the boats, including a clique of young men who look upon unescorted girls as legitimate prey. Some women, on the other hand, have developed the 'excursion' habit to lure susceptible youths.

"Anyone with the price can obtain a drink or a stateroom on the average steamer, the only exception being the *Eastland*, which has no staterooms.

"Petty gambling, slot machines, wheel and paddle games, and raffles are in full operation on most boats. They are merely marine kindergartens of gambling. A system of mean gambling exists, in which a second-grade child with a nickel or a dime in hand is permitted to take the first lesson if he is big enough to toddle to the front with the small change.

"Poker games, with money in sight, were among the features on one Fourth of July excursion.

CHILDREN DRINK BEER.

"Boys and girls between 15 and 17 years old openly drank beer between Chicago and Michigan City. On the return trip two couples, both under 18 years and intoxicated, sat in the stern of the boat, the boys sitting on the girls' laps.

"On the dance floor there was no restriction to any kind of dancing, and a number of young persons under the influence of liquor were on the floor.

"The stateroom patronage on most of the daylight boats was brisk, especially on the return trips.

"Personal safety of passengers is imperiled by the limited supply of lifeboats and lift rafts on the average excursion boats. Life preservers are available, but many of them are stored on deck ceilings beyond the reach of women and children or even men of short stature. The staterooms are, of course, supplied with life preservers, but are locked up except when the staterooms are in use.

"The question of police jurisdiction beyond the 3-mile limit places the remedy in the hands of the companies operating these boats. The question of patronage rests with the public."

Mr. ALEXANDER. Mr. Speaker, in view of the statement made by my esteemed friend from Washington [Mr. HUMPHREY] with reference to the Pacific coast, I think I should make this statement: If his contention is true—that in the event this bill becomes a law it will give the trade upon the Pacific to the Japanese—I do not know why that should be any occasion for complaint on the part of the Japanese or be cause for war. The language test applied to the Japanese crew would be no embarrassment, because the officers and the crew are of the same nationality and speak the same language, and the crew would certainly be able to understand the orders of the officers. They would not have any trouble in complying with the language test. As applied to American ships it will be different. The officers of American ships must be American citizens. Presumably they speak the English language. If ships flying the American flag employ Chinese or Japanese crews, the crews must either understand the language of the officers or officers must be able to understand the language of the crews sufficiently to impart their orders to the crews in Japanese or Chinese.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. For a question.

Mr. HUMPHREY of Washington. What I was trying to say was that the mustering of the crew was to ascertain whether they complied with our requirements not only in regard to language, but there are many other requirements in order to show qualification, and it provides, as I understand, upon the filing of an affidavit by any reputable citizen, that the collector of customs shall cause the crew to be mustered, and the ship shall not be permitted to depart until it is shown that they have complied with every law.

Mr. ALEXANDER. That is true, so far as mustering the crew is concerned, and applies to all ships. In England they have enforced the law from time immemorial, that no ship shall leave their ports in an unseaworthy condition, and to be in a seaworthy condition the ship must have a sufficient and efficient crew, and the muster means no more than that it may be shown that the ship had in her crew enough officers and seamen for her safe navigation; the seamen to be of the rating prescribed by section 13; that is to say, at the end of one year 40 per cent, at the end of two years 45 per cent, at the end of three years 50 per cent, and after four years 65 per cent of the crew should be able seamen, as defined in this law.

Since the gentleman from Washington has raised the question as to the muster of the crew, it may be well to explain that provision of section 13 more in detail, so that we may fully understand its scope and the reason for the requirement. Section 13 provides that no vessel of 100 tons gross, with certain exceptions named, shall be permitted to depart from any port of the United States unless she meets the following requirements: First, she shall have on board a crew not less than 75 per cent of which in each department thereof are able to understand any order given by the officers of such vessel; second, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers and apprentices, are of a rating of not less than able seamen.

The section defines the persons entitled to the rating of able seaman as follows: For service on the seas a person must be 19 years old or upward and shall have had at least 3 years' service on deck on a vessel or vessels to which the section applies. For service on the Great Lakes and other lakes and on the bays and sounds a person must be 19 years old or upward and shall have had at least 24 months' service on deck on such vessels.

It is made the duty of the Department of Commerce to prescribe rules for the examination of those who seek a rating as able seaman as to their eyesight, hearing, and physical condition. Provision is also made for a rating of able seaman for those who have served 12 months at sea who upon examination

under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship may be found competent.

The foregoing provisions should be read and considered in connection with the provisions of section 4463 of the Revised Statutes, which provide as follows:

Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation.

Now, to illustrate. If the local inspectors should designate a crew of 40, exclusive of licensed officers and apprentices, in all the departments of the vessel as necessary for the safe navigation of the vessel, it would be necessary for at least 75 per cent of the crew in each department to understand any order given by the officers of the vessel; in other words, to stand the language test. If 20 of the 40 members of the crew are designated for the deck department, then in the first year 8, in the second 9, in the third 10, in the fourth 11, and thereafter 13 of the deck crew, exclusive of licensed officers and apprentices, must be of a rating of not less than able seaman.

The only limitation upon the power of the local inspectors to designate the complement of the crew, in addition to licensed officers, necessary for the safe navigation of the vessel is found in section 14 of the bill, which provides that a licensed officer or able seaman shall be placed in charge of each lifeboat or pontoon raft. No one interested in safety of life at sea can complain of this provision. Now, the provision of section 13 to which the gentleman from Washington refers, and has expressed the opinion that it may cause friction and vexatious delay to vessels seeking clearance from our ports, does no more than insure obedience to the law. It provides that the collector of customs may on his own motion, and shall on the sworn information of a reputable citizen of the United States, cause a muster of the crew of the vessel to be made that it may be determined whether or not the law is being complied with; and to prevent the vexation and delay to which the gentleman from Washington [Mr. HUMPHREY] refers, it is expressly provided that the collector shall not be required to cause the muster of the crew to be made unless the sworn information is filed with him at least six hours before the vessel departs or is scheduled to depart. It would seem that the provision requiring six hours' notice would be sufficient to deter anyone from making the complaint unless for good cause, and especially as it is further provided that anyone knowingly making a false affidavit for such purpose shall be guilty of perjury. There may be other provisions of the bill about which there may be confusion or misunderstanding, but I do not feel that it is necessary for me to notice them here. My colleagues on the committee who have spoken have gone into the various provisions of the bill in such detail and have explained them so clearly that it is unnecessary to do so.

Mr. Speaker, I now ask for a vote.

The SPEAKER. The question is upon suspending the rules and passing the bill.

Mr. ALEXANDER. Mr. Speaker, if the Speaker will pardon me, I desire to yield one minute to the gentleman from New Jersey [Mr. KINKEAD], which I omitted to do.

Mr. KINKEAD of New Jersey. Mr. Speaker, a few years ago the Masters, Mates, and Pilots' Association of New Jersey did me the honor to elect me the first honorary member of their association, and they have unanimously indorsed this Alexander seamen's bill. Though they are not connected with the other association so ably presided over by my good friend from California, Mr. FURUSETH, they are in sympathy with the movement that he has so well in hand for the care and protection of men who risk their lives upon the high seas. I desire to compliment the able chairman of this committee and the membership of the committee under him on this magnificent bill, and I hope now that it will be speedily enacted into law. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Speaker two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed. [Applause.]

GEORGE P. HEARD (H. DOC. NO. 1152).

The SPEAKER laid before the House the following message from the President of the United States, which was read as follows and ordered to be printed.

The Clerk read as follows:

To the House of Representatives:

I return herewith, without my approval, H. R. 2728, entitled "An act for the relief of George P. Heard," because I believe that its enactment into law would be gravely demoralizing to the administration of the discipline of the Army.

No injustice was done Dr. Heard. The findings of the board of examiners were twice carefully reviewed. Unless all others who similarly fail are to be granted the same special privilege contemplated in this bill, a grave injustice will have been committed. It would constitute a precedent that would most certainly plague both the Department of War and the Congress. It would tend to nullify the good effects of the excellent act of Congress whose purpose was to increase the efficiency of the Medical Department of the Army. It would unfairly affect all the officers who have come into the service since the honorable discharge of Dr. Heard by reducing them one file each.

I can not see my way to giving the bill my approval. Special favors, it seems to me, ought very carefully to be avoided in the administration of the Army and Navy of the United States.

WOODROW WILSON.

THE WHITE HOUSE, *August 27, 1914.*

The SPEAKER. Does the gentleman from Alabama desire to make any motion?

Mr. UNDERWOOD. Mr. Speaker, I desire before making the motion to adjourn to announce to the House——

Mr. MANN. This message has to be disposed of in some way.

Mr. UNDERWOOD. I did not understand the Speaker's remark. Mr. Speaker, I move the message be referred to the Committee on Military Affairs.

The SPEAKER. The gentleman from Alabama moves that the message and bill be referred to the Committee on Military Affairs.

The question was taken, and the motion was agreed to.

POSTAL SAVINGS SYSTEM.

Mr. MOON. Mr. Speaker, I move that the House take up the conference report on the bill H. R. 7967——

Mr. MANN. Mr. Speaker, I understood we were going to adjourn.

Mr. MOON (continuing). To amend an act creating a postal savings system.

Mr. MANN. We understood we were going to adjourn. There is a little time wanted on that, and it can come up to-morrow morning.

Mr. MOON. Mr. Speaker, very well; if the gentleman from Illinois desires some discussion on the matter and is not prepared for it this evening I will withdraw the motion until to-morrow.

WAR-RISKS INSURANCE.

Mr. UNDERWOOD. Mr. Speaker, I desire to announce that an effort will be made to take up a rule to pass the emergency insurance bill, and I hope that the Members of the House will be in their seats at 12 o'clock to-morrow to save a roll call. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned to meet to-morrow, Friday, August 28, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARAWAY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12592) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes, reported the same with amendment, accompanied by a report (No. 1117), which said bill and report were referred to the House Calendar.

Mr. TALCOTT of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16640) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara and State of New York, reported the same with amendment, accompanied by a report (No. 1118), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 18550) empowering and directing the Secretary of the Treasury to convey by quitclaim deed certain lands in the city of Akron, State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. PROUTY: A bill (H. R. 18551) to amend section 40, chapter 4, title 2, of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. WINGO: A bill (H. R. 18552) providing for the issuance of circulating notes to the producers of cotton, extending the benefits and provisions in the emergency currency act to State banks, and for other purposes; to the Committee on Banking and Currency.

By Mr. MOSS of Indiana: A bill (H. R. 18553) to authorize the Secretary of Agriculture to license grain warehouses, and for other purposes; to the Committee on Agriculture.

By Mr. KETTNER: Joint resolution (H. J. Res. 329) to provide for the detail of an officer of the Army for duty with Panama-California Exposition, San Diego, Cal.; to the Committee on Military Affairs.

By Mr. FREAR: Resolution (H. Res. 607) relating to the proposed war tax; to the Committee on Rules.

By Mr. ASHBROOK: Resolution (H. Res. 608) authorizing the Clerk of the House to pay to E. L. Smith, $60; Edward C. Hauer, $42; Helen Parker, $24; and Lizzie Barrett, $6; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 18555) granting a pension to Anna R. Burket; to the Committee on Pensions.

Also, a bill (H. R. 18556) granting an increase of pension to Gurdin B. Hotchkin; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 18557) to remove the charge of desertion from the military record of Jerry Wildman; to the Committee on Military Affairs.

By Mr. GORMAN: A bill (H. R. 18558) granting a pension to Peter V. O'Reiley; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 18559) for the relief of the Eastern Transportation Co., of Baltimore, Md.; to the Committee on Claims.

By Mr. McGILLICUDDY: A bill (H. R. 18560) granting an increase of pension to Roeana F. Duran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18561) granting an increase of pension to Clara B. Lowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18562) granting an increase of pension to Abbie E. Taylor; to the Committee on Invalid Pensions.

By Mr. O'HAIR: A bill (H. R. 18563) for the relief and restoration to the rolls of the Army of the volunteer soldiers of the Civil War the name of Henry Marxmiller, who was known as Henry Miller; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 18564) granting an increase of pension to James C. Lewis; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 18565) granting a pension to Hulda Flatt; to the Committee on Pensions.

Also, a bill (H. R. 18566) granting an increase of pension to Harry Dunn; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 18567) for the relief of P. J. McMahon; to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 18568) to enroll William D. Waybourn, his wife, children, and descendants, as members of the Cherokee Nation of Indians; to the Committee on Indian Affairs.

By Mr. TAVENNER: A bill (H. R. 18569) granting an increase of pension to William Boston; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 18570) granting an increase of pension to Pauline M. Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18571) granting an increase of pension to James F. Kilburn; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 18572) granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the Bust of Bolivar; to the Committee on Foreign Affairs.

By Mr. WINGO: A bill (H. R. 18573) to correct the military record of Silas Shepherd; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATHRICK: Petition of 250 citizens of Warren, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. CANTOR: Petition of various American bankers relative to foreign drafts; to the Committee on Banking and Currency.

By Mr. KAHN: Memorial of Montezuma Tribe, No. 77, Independent Order of Red Men, and the San Francisco (Cal.) Parlor Circle, Native Sons of the Golden West, favoring the Hamill retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of Miss J. Oliphant and 128 other residents of the city of Washington, D. C., protesting against the increased cost of food products; to the Committee on Ways and Means.

Also, petition of Thomas C. Fitzpatrick and 35 others residents of San Francisco, Cal., to provide for an adequate defense by land and sea; to the Committee on Naval Affairs.

By Mr. McCLELLAN: Petition of Frank Strobel, of Kingston, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the First National Bank of Hudson; the National Ulster County Bank, of Kingston; and the Bank of Richmondville, all in the State of New York, relative to increase of rates to railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. MERRITT: Petition of Mrs. Cora E. Lawrence, of Bangor, N. Y., favoring the appointment of a national motion-picture commission; to the Committee on Education.

Also, petition of Mrs. Cora E. Lawrence, of Bangor, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of D. T. Monroe, of Glens Falls, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of D. T. Monroe, of Glens Falls, N. Y., favoring the appointment of a national motion picture commission; to the Committee on Education.

By Mr. O'HAIR: Petition of sundry citizens of Danville, Ill., protesting against an increase of the tax on cigars; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of the National Child Labor Committee, favoring passage of House bill 12292, relative to child labor; to the Committee on Labor.

Also, petition of the Connecticut State Medical Society, favoring provision by Congress for mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Connecticut Society of Civil Engineers, favoring Newlands amendment to the rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. J. M. C. SMITH: Petition of the Auxiliary of Woman's Home Missionary Society of the East Avenue Methodist Episcopal Church, protesting against railroad tracks opposite Sibley Hospital and Rust Hall, Washington, D. C.; to the Committee on the District of Columbia.

Also, petition of 600 members of the Homestead Loan and Building Association, of Albion, Mich., protesting against a stamp tax on building and loan mortgages, releases, and discharges; to the Committee on Ways and Means.

By Mr. WATSON: Petitions of sundry citizens of Brunswick, Sussex, and Mecklenburg Counties, all in the State of Virginia, asking an investigation of the Milliken bill, relative to a personal rural-credit system; to the Committee on Banking and Currency.

SENATE.

FRIDAY, *August 28, 1914.*

(*Legislative day of Tuesday, August 25, 1914.*)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of House bill 15657.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The VICE PRESIDENT. The pending question is the amendment of the committee on page 27.

Mr. CULBERSON. I call up the unanimous-consent agreement which was submitted yesterday.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Overman	Sterling
Bryan	Kenyon	Perkins	Thomas
Burton	Kern	Shafroth	Townsend
Chilton	Lane	Sheppard	Vardaman
Culberson	Lea, Tenn.	Simmons	Walsh
Gallinger	Martin, Va.	Smith, Ga.	White
Hollis	Martine, N. J.	Smith, Mich.	Williams
Johnson	Nelson	Smoot	

Mr. VARDAMAN. I desire to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business.